

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----x
4 UNITED STATES OF AMERICA,

5 v.

20 CR 330 (AJN)

6 GHISLAINE MAXWELL,

7 Defendant.

Jury Trial

8 -----x

9 New York, N.Y.
10 December 8, 2021
11 8:52 a.m.

12 Before:

13 HON. ALISON J. NATHAN,

14 District Judge

15 APPEARANCES

16 DAMIAN WILLIAMS

17 United States Attorney for the
18 Southern District of New York

19 BY: MAURENE COMEY

20 ALISON MOE

21 LARA POMERANTZ

22 ANDREW ROHRBACH

23 Assistant United States Attorneys

24 HADDON MORGAN AND FOREMAN

25 Attorneys for Defendant

BY: JEFFREY S. PAGLIUCA

LAURA A. MENNINGER

-and-

BOBBI C. STERNHEIM

-and-

COHEN & GRESSER

BY: CHRISTIAN R. EVERDELL

Also Present: Amanda Young, FBI

Paul Byrne, NYPD

Sunny Drescher,

Paralegal, U.S. Attorney's Office

Ann Lundberg,

Paralegal, Haddon Morgan and Foreman

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1 THE COURT: Good morning, everyone. Matters to take
2 up, counsel?

3 MR. ROHRBACH: A couple matters from the government,
4 your Honor.

5 THE COURT: Yes.

6 MR. ROHRBACH: First, we just wanted to confirm, as
7 per our discussion at the end of the day yesterday, that
8 whether or not the defense is planning to recall Jane and
9 whether they are releasing Brian from subpoena.

10 MS. MENNINGER: Your Honor, I had understood that
11 there was going to be a conversation with Jane about the
12 conversations she had with her brother, and that would be
13 disclosed to us. I didn't receive that last night. I think we
14 need to know whether there is not truth telling going on in the
15 recounting of this event.

16 THE COURT: And that's with respect to recalling Jane,
17 not with respect to subpoenaing Brian; correct?

18 MS. MENNINGER: It could be with respect to either
19 one. We already have Brian under subpoena, your Honor. With
20 respect to the calling of Jane, I would like to know that
21 before we make a decision.

22 THE COURT: I did ask yesterday if you had prevailed
23 on your motion not to exclude Brian, would you subpoena him and
24 you said no. I realize you didn't prevail nor did you -- not
25 prevail, the government withdrew him, but is your position now

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1 that, even though the government is not calling him, you may
2 still seek to subpoena him?

3 MS. MENNINGER: We may, your Honor. As I mentioned,
4 we have the other brother under subpoena and some of this
5 depends on what comes out between now and our case in chief.
6 I'm not 100 percent sure I can give you ballparks of
7 likelihoods, but I think we would need to see -- I would like
8 full disclosure before we make a decision about that.

9 MR. ROHRBACH: I don't see any basis for that, your
10 Honor. The government is not calling Brian as a witness at
11 this time, so there is no basis for us to inquire more about
12 Brian's statements. The other brother is not a government
13 witness and is also not -- there is no suggestion that that
14 brother has been in conversation with Jane about anything of
15 substance in any event. That's a defense witness. Jane has
16 already testified. So there is no basis for us to inquire
17 further about that.

18 If she's subject to recall, she's subject to recall
19 for confrontation about the prior consistent statements that
20 have been introduced and not just general additional questions
21 by the defense.

22 MS. MENNINGER: We don't know if she's spoken to the
23 other brother, your Honor. We are not in contact with him. We
24 have him under subpoena based on his interviews with the
25 government and the things he told the government during his FBI

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1 interview, not because we had some other contact with him.

2 THE COURT: So you have a choice to make whether to
3 subpoena him or not. I'm just trying to understand what the
4 decision point is. The government has indicated they're not
5 calling Brian.

6 MS. MENNINGER: He has a lot of prior inconsistent
7 statements with his sister, your Honor. That's the decision
8 point. He said a lot of things that are inconsistent in her
9 prior statements. We understand if we call him that your Honor
10 is likely to allow them to then bring in the prior consistent
11 statements that they would have elicited had they called him
12 yesterday. So that's a decision point.

13 THE COURT: Okay. You have a decision point whether
14 to call him?

15 MS. MENNINGER: Right.

16 THE COURT: Is there an application with respect to
17 it?

18 MS. MENNINGER: No, your Honor. We have him under
19 subpoena.

20 THE COURT: Mr. Rohrbach.

21 MR. ROHRBACH: I suppose we just flag that Brian has
22 left the district since he's no longer a government witness.
23 If the defense ends up deciding to call him, I suppose that's
24 their choice to make.

25 It sounds like the defense has not yet made a decision

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1 about whether they're going to recall Jane. I just want to
2 make sure I'm understanding --

3 THE COURT: Sounds like that.

4 MS. MENNINGER: That's correct.

5 MR. ROHRBACH: -- defense's position.

6 So I guess we would just repeat, your Honor, that the
7 only issue for which Jane is subject to recall is the issue of
8 the prior consistent statement and not the broader question of
9 her contacts --

10 MS. MENNINGER: If she's had contact with her younger
11 brother, who is under our subpoena, that might be fair game,
12 your Honor. In my mind, she's violated the sequestration
13 order.

14 THE COURT: As I indicated yesterday, before the
15 government withdraw Brian, I thought that was unlikely to be my
16 conclusion. I don't have any different basis for coming to a
17 different conclusion, unless we learn something substantial,
18 but, again, there was no order in place, I don't think. I
19 didn't enter one directing witnesses not to speak to each
20 other. It is certainly not a good practice for reasons that
21 have become apparent. And he didn't come into the courtroom,
22 which is what the text of 6/15 indicates. I hypothesized
23 whether someone giving him a transcript of the proceeding would
24 be, if not a violation of the letter, a violation of the
25 spirit. There is no contention as to that.

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1 In any event, I'm still unclear what the decision
2 point is. You have decisions to make as to who to call, but
3 you're not seeking anything --

4 MS. MENNINGER: No, your Honor. And if I were to call
5 her and ask her something outside of the prior consistent
6 statements, we would brief that to your Honor or bring that up
7 in advance, we would not just do that. It's just that, as your
8 Honor has seen, they shaved a substantial amount of their case
9 off and are not calling a number of witnesses that they
10 intended to call, and we are assessing who we need to call in
11 getting those people here and so forth.

12 So I just, in asking you right this second, what
13 decision we've made about our case in chief, I can't give your
14 Honor an answer.

15 THE COURT: I understand that. I don't think I was
16 seeking that.

17 Mr. Rohrbach, you just began by asking whether they
18 intended to recall Jane. They don't know.

19 MR. ROHRBACH: Right.

20 THE COURT: And whether they intend to call Brian,
21 they don't know.

22 MR. ROHRBACH: Thank you, your Honor.

23 The other issue the government wanted to just flag for
24 the Court is there is a possibility that we'd get to victim 2
25 by the end of the day today, and I know the Court has --

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1 THE COURT: Yes, that's on my to-do list today, this
2 morning, which is to give you my view of the limiting
3 instruction, which I can do now.

4 So we last talked about this at the November 23rd
5 conference, and I think the defense agreed with the limiting
6 instruction. The government had suggested changes, which I
7 rejected, but I understood the government's position that it
8 wasn't fully accurate as stated, and that's because of
9 complications around New Mexico law, potentially.

10 If we need to go into further issues that implicate
11 412, we can do sidebar, but I think for purposes of the
12 limiting instruction, here's my thinking, and I may not need
13 you to react immediately to it unless you want to, but you can
14 consider it and think about it.

15 I think an appropriate limiting instruction would be:
16 "I anticipate that you'll hear testimony from the next witness
17 about sexual conduct that she said she had with Mr. Epstein in
18 New Mexico. I instruct you that the sexual conduct she says
19 occurred with Mr. Epstein in New Mexico was not, quote, illegal
20 sexual activity, end quote, as the government has charged in
21 the indictment.

22 "I'll give you more instructions on the legal term,
23 illegal sexual activity, at the end of the case. However, to
24 the extent you conclude that her testimony is relevant to the
25 issues before you, you may consider it, but you may not

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1 consider this testimony as any kind of reflection on
2 Mr. Epstein's nor Ms. Maxwell's character or propensity to
3 commit any of the crimes charged in the indictment."

4 So I think that it's obviously a very different
5 instruction with respect to Kate, because this is an alleged
6 victim of the crimes charged in the indictment. This
7 instruction avoids issues that were complicated regarding New
8 Mexico law that I don't think is necessary to get into because
9 it's not illegal sexual activity, as the government has charged
10 in the indictment, which the government has indicated -- you
11 agree with that, right Mr. Rohrbach?

12 MR. ROHRBACH: Yes, your Honor.

13 THE COURT: So that's my view. You can react to it
14 now or think about it.

15 MR. ROHRBACH: I would like to give it some thought,
16 your Honor. We thank the Court for its thoughtfulness.

17 MS. MENNINGER: Same, your Honor. Thank you.

18 THE COURT: Thank you.

19 MS. STERNHEIM: Your Honor, the government, I expect,
20 will be calling, perhaps as its next witness, an individual
21 named Janine Gill. My understanding is she is employed by some
22 property company, either under the auspices or related to the
23 Trump organization. She became an employee in 2007. The
24 government is seeking to introduce two documents, they are
25 Government Exhibit 824 and 823. I believe they will seek to

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1 introduce it in a redacted form.

2 823 is a personal action notice that indicates --

3 THE COURT: Can I see them while we're talking about
4 them?

5 MS. STERNHEIM: Sure. May I hand it up to you?

6 THE COURT: Sure.

7 MS. STERNHEIM: I think I've given you one redacted
8 and one not, but I can give you a whole --

9 THE COURT: Okay.

10 MS. STERNHEIM: So this document concerns the start
11 date of employment of an individual named Sky Roberts. It was
12 not prepared by this individual and she has no personal
13 knowledge as to how it was prepared.

14 THE COURT: When you say it wasn't prepared by this
15 individual, you mean by --

16 MS. STERNHEIM: Ms. Gill.

17 THE COURT: By Janine Gill?

18 MS. STERNHEIM: Yes. She started her employment in
19 2007. This document concerns 2000.

20 There is nothing in the record concerning an
21 individual named Sky Roberts. The second document, 824, is a
22 document concerning insurance for Sky Roberts that indicates
23 his dependents, his wife, his son, and the daughter by the name
24 of Virginia Roberts.

25 That is not a proper business record. It has nothing

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1 to do with the operation of the Trump company or Mar-a-Lago.
2 The relevance is extraordinarily remote as there is nothing to
3 tie in the relationship or to suggest that Virginia Roberts was
4 at Mar-a-Lago during the period of time that Juan Alessi claims
5 to have seen her. There are no employment records for her and
6 there is nothing in the record to suggest anything concerning
7 her father.

8 THE COURT: So is it a relevance objection?

9 MS. STERNHEIM: It's relevance as well as foundation
10 as a business record.

11 THE COURT: Okay.

12 MR. ROHRBACH: I suppose beginning with the relevance
13 objection, your Honor. The relevance for these documents
14 arises in three respects. First of all – and this is an
15 initial matter – Sky Roberts, the evidence already in the case
16 shows that there is a Virginia Roberts with a father named Sky
17 Roberts, as shown on her birth certificate. So these documents
18 are relevant to connect the Virginia Roberts in the birth
19 certificate to a Virginia Roberts who was present in the area
20 of Mar-a-Lago in the year 2000 which allows the jury to draw
21 the inference that that is the Virginia Roberts who has been
22 the subject of testimony by Carolyn and Juan Alessi and others.

23 So these records both corroborate the fact that there
24 was a Virginia Roberts with an association of Mar-a-Lago at the
25 relevant time and corroborate and provide corroboration that

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1 that Virginia Roberts is the Virginia Roberts in the birth
2 certificate, which relative to her age, to which is therefore
3 relevant to the sex trafficking counts.

4 I'd also note that the phone number for Sky Roberts in
5 these documents is the phone number for an entry in Government
6 Exhibit 52 for -- that's listed as Virginia parents. So in the
7 event that Government Exhibit 52 comes in, this is relevant to
8 show that that entry, in fact, is the phone number for Virginia
9 Roberts's parents.

10 So those are the various three theories of relevance.

11 In terms of admissibility under the business record
12 exception, Ms. Gill, the witness, is a records custodian for
13 Mar-a-Lago. So she will say that personal action notices are
14 created in the ordinary course of business by managers at
15 Mar-a-Lago at the time an employee is hired and that once an
16 employee is eligible for benefits at Mar-a-Lago, those
17 employees fill out the benefit application form in Government
18 Exhibit 824 and submit them to Mar-a-Lago, which processes
19 them, sends them out to insurance companies and retains them
20 for Mar-a-Lago's own business purposes.

21 THE COURT: And these were records that were
22 maintained at Mar-a-Lago?

23 MR. ROHRBACH: Yes, your Honor. I expect Ms. Gill to
24 say that she has looked at these records in Mar-a-Lago's
25 personnel file and confirms that they are true and accurate

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1 copies.

2 MS. STERNHEIM: Judge, the fact that somebody fills
3 out a request for insurance does not deem it a business record.
4 It is not related to the course of business of the Mar-a-Lago
5 property, and the government is trying, through a backdoor
6 method, to draw an inference that because a person named
7 Virginia Roberts was insured by a man named Sky Roberts, that
8 she was, one, employed by Mar-a-Lago or, two, was at
9 Mar-a-Lago. Insurance does not support that.

10 THE COURT: Nothing in these records appears support
11 that she was employed at Mar-a-Lago.

12 MR. ROHRBACH: The government agrees, your Honor,
13 these records don't give rise to that.

14 THE COURT: But you're trying to show that?

15 MR. ROHRBACH: That she was the dependent of a
16 Mar-a-Lago employee.

17 On the insurance point, I would note that Sky Roberts
18 was not an outsider to Mar-a-Lago at the time he filled out the
19 employee benefits forms. He was an employee of Mar-a-Lago, and
20 one of the things Mar-a-Lago does is provide benefits to its
21 employees.

22 THE COURT: And then on the business records, your
23 argument, Ms. Sternheim, is that because it's a form filled out
24 by Mar-a-Lago employees for the purposes of insurance that's
25 provided by another entity, that they're not a Mar-a-Lago

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1 business record?

2 MS. STERNHEIM: That is correct, Judge.

3 THE COURT: Mr. Rohrbach.

4 MR. ROHRBACH: I wasn't planning to ask Ms. Gill this,
5 but I think she would say that Mar-a-Lago retains these records
6 in case there is some kind of dispute involving the insurance
7 company and its employees. But Mar-a-Lago does retain these
8 records because, in order to hire, retain, and protect its
9 employees, they presumably make sure they're offered insurance.

10 And I'll just note, your Honor, that the exhibit and
11 Government Exhibit 824 are not just the benefit application
12 forms, but fax transmittal cover sheets from Mar-a-Lago which
13 indicates that Mar-a-Lago is doing the work of processing and
14 sending out these applications.

15 MS. STERNHEIM: But it still contains hearsay
16 information, the source of which we do not know. It is not
17 part of the business of Mar-a-Lago, even though it does have
18 employees and may offer it insurance, the fact that it is kept
19 in their files does not deem it a business record.

20 THE COURT: I think I'll have to hear the testimony,
21 the foundation for the business record to determine whether
22 it's sufficient under the rule.

23 Do you have any authority, Ms. Sternheim?

24 I would say, just intuitively, I would think that
25 employers who provide insurance to employees who have a set of

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1 forms that they maintain in the normal course of business that
2 captures information for purposes of the employer providing the
3 insurance through another entity and maintains those records
4 and the like, my intuitive reaction is those probably fit
5 within the business records exception depending on some of the
6 specifics of the testimony, but I'll look at the question and
7 if anybody has any authority for the proposition either way,
8 and my team will look at it in the meantime.

9 MR. ROHRBACH: Thank you, your Honor.

10 THE COURT: Anything else?

11 MR. EVERDELL: Your Honor, there is an issue, we
12 haven't had the chance to confer with government --

13 THE COURT: I don't think your mic is on.

14 MR. EVERDELL: There is a small issue with the fourth
15 witness, I think that's Mr. Rogers, but we haven't had the
16 chance to confer yet. I think we can do it fairly quickly. We
17 can probably do it at the break since it's probably going to be
18 the fourth witness; is that right? We'll do it then.

19 THE COURT: Anything else to take up in the immediate?

20 MR. ROHRBACH: Nothing from the government.

21 THE COURT: Anything else from the defense?

22 MR. EVERDELL: No, your Honor.

23 THE COURT: We'll break until we have our jury. Thank
24 you.

25 Ms. Sternheim do you need these back, 823 and 824?

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1 MS. STERNHEIM: I believe the government is putting
2 those in evidence; is that correct? Are you going to be moving
3 those into evidence?

4 THE COURT: 823 and 824.

5 MR. ROHRBACH: Yes, I am.

6 MS. STERNHEIM: You can hold onto them if you would
7 like. I imagine they'll be putting them on the screen.

8 THE COURT: I'll keep them for now then. Thank you.

9 (Recess)

10 THE COURT: We have one juror who had a substantial
11 train issue and had to back up and revert, who called worried
12 that they were late and we said just get here safely. So we're
13 not quite ready with all the jurors yet.

14 Mr. Rohrbach, you know that case, *United States v.*
15 *Lieberman*?

16 MR. ROHRBACH: I am not familiar with that case, your
17 Honor.

18 THE COURT: It's pretty much directly on point, I
19 think, for Ms. Sternheim's argument regarding the content of
20 823 and 824. Let me give you the cite. It is *United States v.*
21 *Lieberman*, 637 F.2d 95 (2d Cir. 1980).

22 Do you have any reason to think that the witness would
23 testify that the employer does anything to verify the
24 information filled out by the employee on the insurance cards?

25 MR. ROHRBACH: First of all, for 823, your Honor,

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1 that's a document created by managers at Mar-a-Lago and not the
2 employee.

3 THE COURT: I think, probably, 823 comes in, depending
4 on the business record foundation, which essentially
5 provides -- right. So this is a personnel form of Mar-a-Lago
6 that your witness will testify they maintained in their records
7 of employees?

8 MR. ROHRBACH: Yes, your Honor.

9 THE COURT: So that, I think, you're right.

10 Ms. Sternheim, do you have an objection to 823?

11 MS. STERNHEIM: No.

12 THE COURT: 824, I think that Ms. Sternheim is right,
13 that the information filled out by the employee, which you're
14 seeking to assert for the truth, essentially that Virginia
15 Roberts was his daughter, as I understand it.

16 MR. ROHRBACH: Yes, your Honor.

17 THE COURT: It would be hearsay unless there is
18 testimony -- under the Lieberman case, unless there is
19 testimony that the employer does something to verify the
20 information.

21 MR. ROHRBACH: I've never asked that question of
22 Ms. Gill, your Honor. I'm happy to do so while we're waiting
23 for the remaining juror. I would imagine she would say that
24 Mar-a-Lago provides benefits to the daughter as a dependent of
25 Mr. Roberts. So in the sense that they are, in fact, providing

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1 insurance benefits to her, they have verified that information.

2 THE COURT: Well, it's a bit circular. I think the
3 question is, did they do anything to verify the information on
4 the form. The fact that they provided -- that they sent this
5 form and then insurance was provided based on the employee's
6 information, that's the out-of-court statement. It's
7 Mr. Roberts' statement on this form that you're seeking to
8 offer for the truth. So unless there is -- you'll look at the
9 *Lieberman* case. I think it's directly on point, as I said.

10 MR. ROHRBACH: I'm happy to look at the case and also
11 ask Ms. Gill, your Honor.

12 My point is, I think it's more than just sending the
13 form and then obtaining insurance for someone because their
14 name is on the form, but it's the course of conduct of paying
15 bills for someone who then receives medical treatment because
16 that person is insured through Mar-a-Lago.

17 THE COURT: Well, if she's got information on this
18 employee with respect to that or records, I suppose that's
19 another story.

20 MR. ROHRBACH: I think those records do exist, but
21 I'll just go have a conversation with Ms. Gill about this.

22 THE COURT: Ms. Sternheim.

23 MS. STERNHEIM: Judge, the government would be asking
24 this witness about a practice that preceded the time period in
25 which she was there. And the fact of the matter is, requesting

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1 insurance or accepting the offer of insurance in and of itself
2 may be a perk of the business, but putting on the form who you
3 wish to be insured as your family is hearsay.

4 THE COURT: Agreed.

5 MS. STERNHEIM: So the form itself is one thing, the
6 content is something else.

7 THE COURT: I agree.

8 MS. STERNHEIM: Thank you.

9 THE COURT: I think the only potential for -- and
10 you'll look at the *Lieberman* case, too, is if there is
11 testimony that the employer did something to verify the
12 information on the form.

13 So, for example, if the form says this is my address
14 and the testimony is that when an employee fills out this form,
15 we look at their driver's license to verify that the address is
16 the same, then, as a business, I think, under *Lieberman*, that
17 comes in. It would have to be something comparable for
18 verification of children -- I think it's children and spouse?

19 MS. STERNHEIM: Correct.

20 THE COURT: In order for this to fit for the content
21 of the form. It's content versus the form itself. It's
22 precisely the line that the circuit draws in *Lieberman*.

23 MS. STERNHEIM: But in addition, Judge, this witness
24 does not have any personal knowledge as to what the procedures
25 were seven years prior to her becoming employed.

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1 THE COURT: That may or may not be true depending on
2 the testimony.

3 MS. STERNHEIM: Well, it would be hearsay as to her
4 knowledge, having gained it from somebody remotely in the
5 company providing that to her.

6 THE COURT: So if her testimony is, this is the
7 practice and this was the longstanding practice, I learned it
8 from predecessors or the like, she might have -- just as her
9 understanding of the practice of maintaining records is what
10 she learned in the course of her employment, it may be -- I'm
11 doubtful that we'll get this testimony. We'll see what the
12 testimony is.

13 My current thinking is 823 comes in. That gives -- I
14 mean, what I understand the relevance to be -- and there is no
15 objection to 823. 824, absent the content, I'm not sure gets
16 you anything beyond what 823 gets you.

17 MR. ROHRBACH: I think that's right, your Honor. If
18 824 could not come in with the content, we probably would not
19 offer 824.

20 I would like to just have this conversation with
21 Ms. Gill, as she's been the head of HR for Mar-a-Lago for quite
22 a long time. She's reviewed this particular employment file,
23 which is much larger than this set of records. So I think she
24 may have a great well more to say about these issues and we
25 would like to be able to talk with her.

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1 THE COURT: I think we're on the same page in terms of
2 the law and in terms of what is the factual record with respect
3 to the employer's practice at the time of their filing any
4 information provided by employees.

5 MS. STERNHEIM: Thank you.

6 MS. MENNINGER: Your Honor, may I briefly address
7 something?

8 THE COURT: Sure.

9 MS. MENNINGER: Government Exhibit 761 was offered, it
10 was a Professional Children's School application for Jane. I
11 elicited testimony from the offer award that he did not verify
12 the information pertaining, for example, to the financial
13 guarantor, and I objected to the admission of that for the same
14 reasons your Honor is articulating for *Lieberman*.

15 THE COURT: So I overruled that objection because,
16 what seemed to me, the relevance was that the witness or her
17 family was indicating that Mr. Epstein was providing financial
18 assistance at the time, whether or not he was providing
19 financial assistance at the time.

20 MR. ROHRBACH: I would also note, your Honor, that in
21 addition to the verification line of business records cases,
22 there is another line of cases of adoptive business records
23 which say that if a company receives a record created by an
24 outsider and integrates it into their files and relies on it,
25 it becomes a record of that business. I haven't so far

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1 articulated a theory like that with regard to this record, but
2 the testimony for Government Exhibit 761 was that the school
3 received the record, integrated it into its files, and relied
4 on it for its admissions decisions, which are a regular
5 function and practice of the school. So it would come in as a
6 business record under that line of cases.

7 MS. MENNINGER: Your Honor, they didn't rely on the
8 financial guarantor piece of it, which is what the government
9 is offering for the truth of the matter asserted therein, and
10 that's the piece that we object to. If they want to redact
11 that piece, I would renew my objection to the admission of that
12 and take out the piece that they're offering that was not
13 verified by the school --

14 THE COURT: I'm telling you my rationale at the time
15 for ruling on the objection was that -- the relevance was that
16 the family at the time was indicating that -- whether it's true
17 or not, but that Mr. Epstein was providing financial
18 assistance.

19 MS. MENNINGER: If it was admitted for a limited
20 purpose then, your Honor, I would ask that there be some type
21 of instruction given -- we can take up at the charging
22 conference about the purposes for which that document can be
23 considered by the jury.

24 MS. STERNHEIM: Judge, I just want to make sure that
25 the Court is aware, whereas I don't object to the admission as

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1 a business record, I still maintain my objection to 823 on
2 relevance grounds.

3 THE COURT: So on that, I think I'm prepared to
4 overrule because we have in evidence -- so there is testimony
5 that Ms. Maxwell met Ms. Roberts at Mar-a-Lago in this
6 timeframe. We have a birth certificate of Ms. Roberts that
7 shows her father's name is Sky Roberts. So the relevance, as I
8 understand it, is that the employment of Mr. Roberts at
9 Mar-a-Lago at the timeframe is relevant, is probative of the
10 family's connection to Mar-a-Lago at the timeframe testified to
11 by Mr. Alessi.

12 Do I have the theory of relevance?

13 MR. ROHRBACH: That's right, your Honor, as well as
14 the conditional relevance theory that the phone number in
15 Government Exhibit 823 appears in Government Exhibit 52 as
16 Virginia's parents. If that exhibit were to come in, this
17 record would become relevant for that additional reason.

18 THE COURT: What case do you have in mind for the
19 adaptive business record?

20 MR. ROHRBACH: We'd be happy to provide the case name
21 and cite after the break. I don't want to butcher the name of
22 the case and leave the Court astray. We'll be happy to provide
23 it to the Court's law clerk, as well. I do have a particular
24 case in mind.

25 THE COURT: You have a case in mind, but you're not

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1 sure?

2 MR. ROHRBACH: It's in the matter of -- it starts with
3 an L. I can't give the cite off the top of my head. I wasn't
4 expecting this particular argument today.

5 THE COURT: If that theory applies for the content of
6 824, I'll consider it, so you'll let me know.

7 MR. ROHRBACH: Yes, your Honor. I just haven't asked
8 Ms. Gill about their reliance on this record, which is similar
9 to the questions the Court has been asking for, so I couldn't
10 articulate that theory of a business record for 824 right now.

11 THE COURT: Right. Sounds like a similar --

12 MS. STERNHEIM: Just to close the loop, with regard to
13 the Court's statement that it was a relevant time period, it's
14 my recollection that Mr. Alessi testified to 2001, and the fact
15 that someone may be employed is not a basis for an inference
16 that a child of that employee was at a certain location at a
17 certain time, which is why the government is seeking to
18 introduce that.

19 THE COURT: We'll leave the fact finding to the jury.

20 MS. STERNHEIM: Okay.

21 THE COURT: Thank you.

22 MR. ROHRBACH: Thank you, your Honor.

23 THE COURT: Anything else? We'll still have to wait
24 for our juror who had substantial train issues. So we will
25 wait. I'll step down. Thank you.

LC8Cmax1

1 I had a question. You indicated, Mr. Rohrbach,
2 something regarding Exhibit 52. Is there another witness who's
3 going to testify about Exhibit 52?

4 MS. COMEY: No.

5 MR. ROHRBACH: No, your Honor. We plan to submit a
6 letter tonight in articulating our theory why the Court should
7 admit that exhibit based on the current evidence.

8 THE COURT: You'll confer with defense counsel.
9 Obviously, I reserved based on the representation there would
10 be additional testimony.

11 MR. ROHRBACH: Yes, your Honor.

12 THE COURT: Thank you.

13 (Recess)

14 (Continued on next page)

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1 THE COURT: Okay. Mr. Rohrbach.

2 MR. ROHRBACH: Your Honor, I have interviewed
3 Ms. Gill. I think she would likely say that the Mar-a-Lago
4 does not make independent efforts to verify information on
5 these forms.

6 I've also been reading *United States v. Lieberman*. I
7 do think this case is distinguishable. The case is about an
8 outsider to the hotel filling out a form or -- the case said it
9 wouldn't matter if the employee filled it out themselves.

10 Verification is important there because they are just
11 taking the information of the outsider at their word. Here,
12 Mr. Roberts was an employee of Mar-a-Lago; so he had a business
13 duty not to lie to his own employer. So he's not an outsider
14 in the traditional sense the way that *United States v.*
15 *Lieberman* and cases like it are talking about. It would have
16 been a violation of his duty, a fireable offense, presumably,
17 by Mar-a-Lago if he had lied to them about the names of his
18 dependents and obtained for them insurance coverage.

19 THE COURT: I'm not persuaded that that distinguishes
20 a binding precedent. It's a point of distinction, but it
21 doesn't show verification.

22 Do you have authority for beyond verification, some
23 obligation to fill it out truthfully or the like? In fact,
24 there's no -- I'm not aware of any obligation of employees to
25 fill it out truthfully other than the fact that they could get

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1 fired if they don't.

2 MR. ROHRBACH: I think that would be the source of the
3 obligation is that they would be a fireable offense against the
4 company to be fraudulently obtaining insurance benefits for
5 someone. But if the Court is not persuaded --

6 THE COURT: I don't always find a case on point.
7 You're right, there's a basis to distinguish, but it's pretty
8 directly on point; so I think it shows it would be hearsay in
9 the absence of some verification or some nontruth basis for
10 which you're offering.

11 MR. ROHRBACH: Then I think the government will just
12 offer the other exhibit, your Honor.

13 THE COURT: Okay. 823.

14 MR. ROHRBACH: 823.

15 THE COURT: To the extent there was a relevance
16 objection, I'll overrule the relevance objection.

17 MS. STERNHEIM: Your Honor, may I state it for the
18 record even though I know you're ruling?

19 THE COURT: I'm sorry?

20 MS. STERNHEIM: I would like to state it for the -- in
21 front of the jury.

22 THE COURT: Oh, yes, you can object and I'll overrule.

23 MS. STERNHEIM: Okay.

24 THE COURT: That's fine.

25 MR. ROHRBACH: Your Honor, the case I mentioned

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Gill Velez - direct

1 earlier is *Matter of Ollag Construction Equipment*, 665 F.2d 43,
2 which is a case and its progeny that stand for the proposition
3 that when records are integrated and relied on by a company,
4 that that makes it a business record. We're not going to
5 assert that with regard to the object here, at issue here; but
6 for the purposes of 761, that's the case I had in mind.

7 (Jury present)

8 THE COURT: Good morning. Please be seated.

9 Good morning, everyone. Thank you so much.

10 I know there was some train issues this morning. Not
11 a problem. Gave us some time to talk through issues as well.
12 So thank you so much, everyone, for your diligence. I
13 appreciate it.

14 Mr. Rohrbach, the government may call its next
15 witness.

16 MR. ROHRBACH: The government calls Janine Gill.

17 THE COURT: Janine Gill may come forward.

18 JANINE GILL VELEZ,

19 called as a witness by the Government,

20 having been duly sworn, testified as follows:

21 THE COURT: Thank you. Mr. Rohrbach, you may inquire.

22 DIRECT EXAMINATION

23 BY MR. ROHRBACH:

24 Q. Good morning, Ms. Gill.

25 A. Hello.

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Gill Velez - direct

1 Q. Where do you work?

2 A. Florida Properties Management.

3 Q. What is Florida Properties Management?

4 A. Florida Properties Management is the management company for
5 the Mar-a-Lago Club.

6 Q. What's your position there?

7 A. Human resources director.

8 Q. And what are your duties and responsibilities as the human
9 resources director?

10 A. I am in charge of all the employment processes.

11 Q. What are those employment processes?

12 A. It would be recruiting, retention, hiring, benefits,
13 compensation, policies, procedures; anything to do with the
14 employees.

15 Q. How long have you worked at Mar-a-Lago?

16 A. Almost 15 years.

17 Q. And in that capacity, are you familiar with the normal
18 business practices of Mar-a-Lago?

19 A. Yes.

20 Q. Are you familiar with the business practices regarding
21 employee records?

22 A. Yes.

23 Q. How are those records stored?

24 A. Normally it's a paper file, in an individual folder.

25 Q. When an employee joins Mar-a-Lago, is any sort of record

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Gill Velez - direct

1 generated?

2 A. New-hire paperwork.

3 Q. What sorts of new-hire paperwork?

4 A. It would be application, policies and procedures handbook,
5 personnel action notices.

6 Q. You mentioned a personnel action notice. What is a
7 personnel action notice?

8 A. That would be the document that the manager would complete
9 to bring the person onboard. It would state their position and
10 pay rate.

11 Q. And what happens after the personnel action notice is
12 created?

13 A. It's submitted to human resources and payroll for
14 processing.

15 Q. Who, if anyone else, reviews the personnel action notice?

16 A. It would be the manager, human resources, payroll, and the
17 managing director.

18 Q. What sort of information is contained in a personnel action
19 notice?

20 A. It would be the employee's name, date of birth, Social
21 Security number, address, they'll put the position, and rate of
22 pay.

23 Q. Is making a personnel action notice a regular practice of
24 Mar-a-Lago?

25 A. Yes.

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Gill Velez - direct

1 Q. Are personnel action notices kept in the ordinary course of
2 business?

3 A. Yes.

4 Q. Ms. Gill, would you turn in the binder next to you to
5 what's been marked for identification as Government Exhibit
6 823. Do you recognize it?

7 A. Yes.

8 Q. Have you reviewed this before today?

9 A. Yes.

10 Q. What is it?

11 A. This is a personnel action notice for Sky Roberts, when, it
12 looks like, he was originally hired.

13 Q. Is this a fair and accurate copy of the version in
14 Mar-a-Lago's records?

15 A. Yes.

16 MR. ROHRBACH: Your Honor, the government offers
17 Government Exhibit 823.

18 MS. STERNHEIM: Objection.

19 THE COURT: For the reasons indicated, overruled.

20 And GX-823 is admitted.

21 (Government's Exhibit 823 received in evidence)

22 MR. ROHRBACH: Your Honor, may I publish it to the
23 jury?

24 THE COURT: You may.

25 MR. ROHRBACH: I apologize, your Honor. We offer

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Gill Velez - direct

1 Government 823 in redacted form to the public and in sealed
2 form for the jury in order to protect the personal information
3 of third parties.

4 THE COURT: All right.

5 823-R is admitted in its redacted form.

6 (Government's Exhibit 823-R received in evidence)

7 MR. ROHRBACH: Thank you, your Honor.

8 Ms. Drescher, if you would pull up 823-R for the
9 public. And members of the jury, if you would turn to
10 Government Exhibit 823 in your binder. I believe there are two
11 binders, and this is in the larger binder. Again, it's the
12 larger binder of the two binders.

13 THE COURT: Larger binder, GX-823. And we have 823-R
14 published.

15 BY MR. ROHRBACH:

16 Q. Ms. Gill, whose personnel action notice is this?

17 A. This is for Sky Roberts.

18 Q. And what does it reflect about Sky Roberts? Or what -- let
19 me turn your attention, I guess, to the top left corner of
20 this.

21 A. Okay.

22 Q. Would you read for the jury the date of hire.

23 A. Date of hire was April 11th of 2000.

24 Q. Thank you.

25 MR. ROHRBACH: And, your Honor, if I may just ask the

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Gill Velez - cross

1 jurors to turn to Government Exhibit 14, which is already in
2 evidence.

3 THE COURT: Ms. Sternheim, any objection?

4 MS. STERNHEIM: No objection.

5 THE COURT: You may look at GX-14 please.

6 MR. ROHRBACH: With your permission, your Honor, I
7 would just direct the jurors' attention to the line of this
8 exhibit labeled "father of child."

9 THE COURT: I'm sorry. Mr. Rohrbach, say that again.

10 MR. ROHRBACH: With the Court's permission, I would
11 direct the jurors' exhibit to the line of this exhibit that
12 says "father of child."

13 THE COURT: You may look there.

14 MR. ROHRBACH: No further questions, your Honor.

15 THE COURT: All right. Ms. Sternheim.

16 MS. STERNHEIM: Thank you.

17 THE COURT: Jurors, you may put your binders down.

18 Thank you.

19 CROSS-EXAMINATION

20 BY MS. STERNHEIM:

21 Q. Good morning.

22 A. Hello.

23 Q. Is it Ms. Gill Velez or just Gill?

24 A. Gill is fine.

25 Q. Okay. Thank you.

LC8VMAX2

Gill Velez - cross

1 Ms. Gill, you indicated that you've worked for the
2 property management company for approximately 15 years;
3 correct?

4 A. Correct.

5 Q. Which means you started in approximately 2007?

6 A. Correct.

7 Q. And the document that was introduced in connection with
8 your testimony concerns the date of 2000; correct?

9 A. Correct.

10 Q. You have no personal knowledge of how this document was
11 completed; correct?

12 A. No.

13 Q. You have no personal knowledge of any of the information on
14 this document; correct?

15 A. The information I know is what was written in it.

16 Q. Right. But you had nothing to do with putting it on this?

17 A. No.

18 Q. And you had nothing to do with how records were kept prior
19 to you joining the management property company in 2007;
20 correct?

21 A. Correct.

22 MS. STERNHEIM: No further questions. Thank you.

23 THE COURT: Thank you, Ms. Sternheim.

24 Mr. Rohrbach.

25 MR. ROHRBACH: No redirect, your Honor.

LC8VMAX2

Shawn - direct

1 THE COURT: All right. Ms. Gill, thank you. You're
2 excused. You may step down.

3 (Witness excused)

4 THE COURT: The government may call its next witness.

5 MS. COMEY: The government calls Shawn.

6 THE COURT: The witness testifying under the name
7 "Shawn" may come forward.

8 SHAWN,

9 called as a witness by the Government,

10 having been duly sworn, testified as follows:

11 THE COURT: You may be seated. Please remove your
12 mask. This witness will be testifying under the name Shawn to
13 protect the anonymity of a prior witness who I permitted to
14 testify by her first name.

15 I do remind the sketch artists that the exact likeness
16 of Shawn not be drawn, please, in order to protect the
17 anonymity of the other witness.

18 Ms. Comey, you may inquire.

19 MS. COMEY: Thank you, your Honor.

20 May the witness remove his mask?

21 THE COURT: Oh, I'm sorry. Yes.

22 Shawn, please remove your mask.

23 DIRECT EXAMINATION

24 BY MS. COMEY:

25 Q. Good morning.

LC8VMAX2

Shawn - direct

1 A. Good morning.

2 Q. Would you please make sure the microphone is close to your
3 mouth so that everyone can hear you.

4 A. Can you hear me clearly?

5 Q. Yes. Thank you.

6 A. All right.

7 Q. Would you please state and spell your first name for us.

8 A. Yeah. Shawn, S-H-A-W-N.

9 Q. Shawn, I'd like to ask you to turn in the binder that is in
10 front of you to what's been already admitted in evidence as
11 Government Exhibit 20.

12 MS. COMEY: And, your Honor, I'd ask for permission
13 for the jurors to do the same in their binders.

14 THE COURT: Okay. Ms. Sternheim, without objection?

15 MS. STERNHEIM: No objection.

16 THE COURT: GX-20, please, members of the jury.

17 That's in the large binder; correct?

18 MS. COMEY: Yes, your Honor.

19 BY MS. COMEY:

20 Q. Shawn, what is Government Exhibit 20?

21 A. A copy of my ID.

22 Q. And is your full name on this exhibit?

23 A. It is.

24 Q. We can set that aside. Thank you very much.

25 Shawn, how old are you?

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Shawn - direct

1 A. Thirty-eight.

2 Q. In what state were you born?

3 A. Akron, Ohio.

4 Q. Where did you grow up?

5 A. West Palm Beach, Florida.

6 Q. How far did you go in school?

7 A. Some college.

8 Q. And what kind of work do you do now?

9 A. I'm a salesman.

10 Q. What schools did you attend for high school?

11 A. Wellington High School and Survivors Charter School.

12 Q. In what town are those schools?

13 A. West Palm Beach, Florida.

14 THE COURT: Shawn, could you move a little bit closer
15 to the mic and keep your voice up please. Thank you.

16 THE WITNESS: Yes, ma'am.

17 THE COURT: Go ahead.

18 BY MS. COMEY:

19 Q. Will you tell us again what schools you attended?

20 A. Wellington High School and Survivors Charter School.

21 Q. And in what town are those schools?

22 A. West Palm Beach, Florida.

23 Q. When you attended Survivors Charter School, what was the
24 first name of your girlfriend?

25 A. Carolyn.

LC8VMAX2

Shawn - direct

1 Q. Would you please take a look in the binder next to you at
2 what is in evidence as Government Exhibit 11.

3 Let me know when you're there please.

4 A. Yes.

5 Q. Please take a look at the name at the top of that exhibit.

6 Is that Carolyn's full name?

7 A. Yes, ma'am.

8 Q. Okay. You can set that aside. Thank you.

9 About how old was Carolyn when you first started
10 dating her?

11 A. She was 14.

12 Q. About how old were you when you first started dating
13 Carolyn?

14 A. Seventeen.

15 Q. For about how long did you and Carolyn date when she was a
16 teenager?

17 A. Four years, five years.

18 Q. While you were dating Carolyn, how, if at all, did she make
19 money?

20 A. She only had two jobs ever that I know. One was worked at
21 Arby's; and the other, she worked for Jeffrey.

22 Q. Do you know Jeffrey's full name?

23 A. Yes, ma'am.

24 Q. What is it?

25 A. Jeffrey Epstein.

LC8VMAX2

Shawn - direct

1 Q. Do you know how she first met Jeffrey Epstein?

2 A. Through a schoolmate of mine at Survivors Charter School.

3 Q. What was that schoolmate's name?

4 A. Virginia.

5 Q. Do you know her last name?

6 A. Roberts.

7 MS. COMEY: Ms. Drescher, would you please pull up
8 what's in evidence as Government Exhibit 113.

9 Q. Do you recognize the person in that photograph?

10 A. Yes, ma'am.

11 Q. Who is that?

12 A. That's Virginia.

13 MS. COMEY: We can take that down.

14 Thank you, Ms. Drescher.

15 Q. About when do you remember meeting Virginia Roberts?

16 A. It was my senior year of school, so 2001.

17 Q. And when you would spend time with Virginia, who else, if
18 anyone, was around?

19 A. Her boyfriend, Tony.

20 Q. Do you know his last name?

21 A. Figueroa.

22 Q. What, if anything, would you, Carolyn, Tony, and Virginia
23 do when you hung out together?

24 A. Drive around, smoke pot.

25 Q. Did Carolyn meet Virginia and Tony around the same time you

LC8VMAX2

Shawn - direct

1 did?

2 A. Yes.

3 Q. How did Jeffrey Epstein come up in that group of people?

4 A. Virginia said that she worked for a guy out on Palm Beach.

5 And Carolyn could make money if she wanted to come do massages.

6 Q. Were you present when Virginia said that to Carolyn?

7 A. Yes.

8 Q. About how long after you met Virginia did she bring up this
9 topic of massages in Palm Beach?

10 A. Two to three weeks. Very soon.

11 Q. What do you remember Virginia saying to Carolyn about that?

12 A. That she could come out and give a guy a massage, and she
13 would leave with a couple hundred dollars.

14 Q. What was the name of the guy?

15 A. Jeffrey.

16 Q. How did Carolyn respond?

17 A. She was excited to make money.

18 Q. After that conversation, do you know if Carolyn went to
19 Jeffrey Epstein's house?

20 A. She did.

21 Q. How do you know that?

22 A. Because I went with her.

23 Q. Who else went?

24 A. Tony and Virginia.

25 Q. How did you all get to Jeffrey Epstein's house?

LC8VMAX2

Shawn - direct

1 A. Tony drove.

2 Q. Where was Jeffrey Epstein's house?

3 A. El Brillo Way on Palm Beach Island.

4 Q. At that time where were you and Carolyn living, in what
5 town?

6 A. West Palm Beach.

7 Q. What's the difference between Palm Beach and West Palm
8 Beach?

9 A. Money is no object out there. Money doesn't --
10 everybody --

11 MR. PAGLIUCA: Your Honor, I'm going to object to this
12 as lacking foundation. 602.

13 THE COURT: Sustained.

14 Could I ask you to move closer to the mic when you
15 talk, but wait for the next question.

16 THE WITNESS: Yes, ma'am.

17 BY MS. COMEY:

18 Q. How long did you live in the West Palm Beach area?

19 A. Pretty much all my life.

20 Q. And how often did you go to Palm Beach when you lived in
21 West Palm Beach?

22 A. Very rarely.

23 Q. Why did you go there very rarely?

24 A. I didn't have enough money to buy anything at the gas
25 station.

LC8VMAX2

Shawn - direct

1 Q. In Palm Beach?

2 A. Correct.

3 Q. Did you ever go inside Jeffrey Epstein's home?

4 A. No, ma'am.

5 Q. Did you see the outside?

6 A. Yes, I did.

7 Q. When you first went to Jeffrey Epstein's house, do you
8 remember what it looked like on the outside?

9 A. It was pink.

10 Q. Did you go there multiple times after that first time?

11 A. Yes.

12 Q. Did the color later change?

13 A. It did.

14 Q. To what?

15 A. White.

16 Q. That first time you went to Jeffrey Epstein's house, who,
17 if anyone, went inside the house?

18 A. Virginia and Carolyn.

19 Q. About how long were they inside?

20 A. An hour, hour and five minutes.

21 Q. After Carolyn and Virginia came back outside, what, if
22 anything, did they have with them?

23 A. Money.

24 Q. In what denomination?

25 A. Hundred dollar bills.

LC8VMAX2

Shawn - direct

1 Q. After that first time, did you go with Carolyn to Jeffrey
2 Epstein's house again?

3 A. I did.

4 Q. About how often did you go with Carolyn to Jeffrey
5 Epstein's house?

6 A. About every two weeks.

7 Q. To the best of your knowledge, about when did Carolyn stop
8 going over to Jeffrey Epstein's house in Palm Beach?

9 A. When we left and went to Georgia.

10 Q. Do you remember about how old Carolyn was when you went to
11 Georgia?

12 A. Sixteen.

13 Q. Are you and Carolyn still together now?

14 A. No, ma'am.

15 Q. About when did you break up?

16 A. 2005.

17 Q. During the period when Carolyn was going to Jeffrey
18 Epstein's house with you, do you know how she would schedule
19 times to go there?

20 A. Somebody would call my phone.

21 Q. How many people do you remember calling your phone?

22 A. Three.

23 Q. Were they male or female?

24 A. Female.

25 Q. Do you know any of their names?

LC8VMAX2

Shawn - direct

1 A. Sarah was one.

2 Q. Other than Sarah, do you know the names of any others?

3 MR. PAGLIUCA: Your Honor, I'm going to object to this
4 under 602 and 801.

5 THE COURT: Just a moment.

6 MS. COMEY: I'm happy to rephrase the question, your
7 Honor.

8 THE COURT: Okay.

9 BY MS. COMEY:

10 Q. The other two callers, did they tell you their names when
11 calling you?

12 A. No, ma'am.

13 Q. Do you remember anything about the voices of the other two
14 callers?

15 A. They were foreign.

16 Q. Can you tell --

17 A. To me. They were foreign to me.

18 Q. Can you tell us about their voices?

19 A. One was English and one sounded almost French. English
20 being proper English.

21 Q. When these three women called, what did they say to you
22 about Carolyn?

23 A. That Jeffrey was requesting her to work.

24 Q. And how did you respond each time you received one of these
25 calls?

LC8VMAX2

Shawn - direct

1 A. I would tell Carolyn and set the appointment for her.

2 Q. Do you remember what your phone number was at the time?

3 A. No.

4 Q. Other than calling you, did you observe anyone else
5 receiving calls to schedule Carolyn to see Jeffrey Epstein?

6 A. Her mother.

7 Q. And when her mother received those calls, what did you see
8 her do?

9 A. She would agree and tell them that she would let Carolyn
10 know.

11 Q. When you went with Carolyn, how did you two get to Jeffrey
12 Epstein's house?

13 A. At first it was cabs.

14 Q. At some point did that change?

15 A. Yeah. We got a car from her mother.

16 Q. And then who would drive?

17 A. I would.

18 Q. Why couldn't Carolyn drive herself?

19 A. She was too young.

20 Q. You mentioned cabs. Where would the cabs pick you up,
21 without giving a specific address?

22 A. West Gate, West Palm Beach.

23 Q. At whose house?

24 A. Carolyn's.

25 Q. Each time you went with Carolyn to Jeffrey Epstein's house,

LC8VMAX2

Shawn - direct

1 who would go inside?

2 A. Carolyn.

3 Q. And what would you do?

4 A. I would wait outside.

5 Q. For about how long would you wait for Carolyn?

6 A. A little over an hour.

7 Q. And when she came out each time, what did she have with
8 her?

9 A. Hundred dollar bills.

10 Q. Why do you remember the denomination?

11 A. Because we used to cash those in at that one gas station on
12 Palm Beach. It was the only place that would accept hundred
13 dollar bills. In West Palm they don't accept hundred dollar
14 bills.

15 Q. Over the multiple times you went with Carolyn to Jeffrey
16 Epstein's house, who, if anyone, did you meet at the house?

17 A. Jeffrey.

18 Q. How many times did you meet Jeffrey?

19 A. Just once.

20 Q. Where was that?

21 A. In his driveway.

22 Q. What do you remember from that interaction?

23 A. He was late. And he came pulling up in a car, stopped and
24 got out, and introduced himself, and showed off his car a
25 little bit.

LC8VMAX2

Shawn - direct

1 Q. Other than Jeffrey, did you meet anyone at his house?

2 A. No, ma'am.

3 MS. COMEY: Can we pull up what's in evidence as
4 Government Exhibit 112, please, Ms. Drescher.

5 Q. Do you recognize the person in this photograph?

6 A. Yes, ma'am.

7 Q. Who is that?

8 A. Jeffrey Epstein.

9 MS. COMEY: We can take that down.

10 Thank you, Ms. Drescher.

11 Q. Other than Jeffrey and Sarah, did Carolyn mention
12 interacting with anyone else at Jeffrey Epstein's house?

13 MR. PAGLIUCA: Objection, your Honor. Hearsay. 801.

14 THE COURT: Just a moment.

15 MS. COMEY: Prior consistent statement, your Honor.

16 THE COURT: Sustained.

17 You may answer.

18 MS. COMEY: Your Honor, I think you said "sustained."

19 THE COURT: I did. I meant overruled. Safe.

20 I meant overruled. Overruled. You may answer.

21 A. Can you ask me the question again please?

22 Q. Sure. Other than Jeffrey and Sarah, did Carolyn mention
23 interacting with anyone else at Jeffrey Epstein's Palm Beach
24 house?

25 A. There was a woman.

LC8VMAX2

Shawn - direct

1 Q. Did Carolyn tell you that woman's name?

2 A. Maxwell.

3 Q. Did Carolyn say anything about that woman's first name?

4 A. She couldn't pronounce it.

5 Q. Why?

6 A. She wasn't able -- she didn't have the reading ability or
7 she couldn't -- it was foreign to her; she didn't know it.

8 Q. Do you know how far Carolyn went in school?

9 A. She dropped out before I met her, so probably middle
10 school. Sixth grade, seventh grade.

11 Q. When Carolyn was 14 years old and going to Jeffrey
12 Epstein's house, could you describe her level of intelligence
13 and education?

14 A. She was a child. Yes, ma'am.

15 THE COURT: Shawn, could you move the mic a little
16 more directly in front of you, please. Thank you.

17 THE WITNESS: Sorry. I mumble.

18 THE COURT: Just speak up. Go ahead.

19 BY MS. COMEY:

20 Q. Did you and Carolyn ever talk about Maxwell?

21 A. No.

22 Q. Did you ever meet Maxwell?

23 A. No.

24 Q. Other than money, what, if any, gifts do you remember
25 seeing Carolyn receive around the time she was going to Jeffrey

LC8VMAX2

Shawn - direct

1 Epstein's house?

2 A. She received a package.

3 Q. What kind of package?

4 A. It was -- what was in it?

5 Q. No. Do you know what the carrier was?

6 A. FedEx possibly.

7 Q. Where did she receive the package?

8 A. At her mom's.

9 Q. In West Palm Beach?

10 A. Yes, ma'am.

11 Q. Did you see what was in the package?

12 A. Yes.

13 Q. What was in the package?

14 A. Lingerie and a movie.

15 Q. Do you remember what the return address on that package
16 was?

17 A. New York.

18 Q. Any reason that stands out to you?

19 A. She was from New York, Carolyn was; and she was excited to
20 see something from New York.

21 Q. Other than Carolyn, Virginia, and Tony, did you ever go
22 with anyone else to Jeffrey Epstein's Palm Beach house?

23 A. Yes.

24 Q. About how many people did you go with?

25 A. Two.

LC8VMAX2

Shawn - direct

1 Q. What were those two people's first names?

2 A. Melissa and Amanda.

3 Q. What was Amanda's last name?

4 A. Lazlo.

5 Q. I'd like now to ask you to turn in your binder to what is
6 in evidence as Government Exhibit 15, please.

7 MS. COMEY: And, your Honor, I would ask that the
8 jurors do the same in their binders, please.

9 THE COURT: Mr. Pagliuca? Okay? GX-15?

10 MR. PAGLIUCA: Yes.

11 THE COURT: Okay. You may look at, in the large
12 binder, GX-15, please.

13 Q. Shawn, looking at the entry that says "child name," without
14 saying it out loud, is that Melissa's full name?

15 A. It is.

16 MS. COMEY: We can set that aside. Thank you.

17 Q. How did you know Amanda and Melissa?

18 A. They were girlfriends of mine.

19 Q. Were you dating them at the same time you were dating
20 Carolyn?

21 A. I was.

22 Q. About how old was Amanda the first time you saw her go to
23 Jeffrey Epstein's house?

24 A. Fifteen or 16.

25 Q. About how old was Melissa the first --

LC8VMAX2

Shawn - direct

1 MR. PAGLIUCA: Your Honor, I'm going to object to the
2 first question under Rule 404(b) and answer.

3 THE COURT: Just a moment.

4 MS. COMEY: Direct evidence, your Honor.

5 THE COURT: I need to hear it from you.

6 (Continued on next page)
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LC8VMAX2

Shawn - direct

1 (At sidebar)

2 MR. PAGLIUCA: Your Honor, this Amanda person was not
3 noticed under 404(b). We had two that were noticed. As I
4 recall, that's the Melissa and Virginia, and that's it.

5 MS. MENNINGER: Not just 404(b).

6 Your Honor ordered that the government produce to us
7 the names of any victims that they intended to discuss at
8 trial. They gave the names of six individuals; the four that
9 we normally have been talking about, Ms. Roberts, and this last
10 one. But Amanda was not one of the names that they gave. So
11 if they intended to refer to her as a victim in this trial, the
12 deadline to do that was, I think, in September.

13 MS. COMEY: Your Honor, yesterday during her
14 testimony, Carolyn said that Amanda Lazlo was someone who she
15 brought with her. I asked how old Amanda was, and she said how
16 old she was. There was no objection.

17 MS. MENNINGER: She said 18.

18 MS. COMEY: This is corroborative -- I don't believe
19 she said 18. This is corroborative testimony. And I would
20 note --

21 THE COURT: Well, the age distinction is an important
22 question. It's entirely not corroborative in identifying a new
23 victim if the testimony yesterday was 18.

24 MS. COMEY: And, your Honor, I would want to check the
25 transcript for this.

LC8VMAX2

Shawn - direct

1 MS. MOE: Your Honor, with respect to the disclosure
2 question, I just wanted to note, the issue for disclosure was
3 who the government would be arguing at trial were the victims
4 here. We don't intend to argue at closing that there's an
5 additional victim Amanda. This is being offered as direct
6 evidence as corroborative testimony of the account of the
7 victims here.

8 THE COURT: Well, direct evidence only if you're
9 suggesting she's a victim of the conspiracy. So that would
10 violate that order. And it's corroborative only if the age
11 matches up.

12 MS. MOE: Your Honor, our view is that it's direct
13 evidence because it corroborates her account of who she was
14 bringing.

15 THE COURT: Then what's the purpose of the -- sorry.
16 What's the purpose of the age?

17 The testimony yesterday was she believes she was 17.
18 Sustained.

19 (Continued on next page)
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LC8VMAX2

Shawn - direct

1 (In open court)

2 THE COURT: Next question.

3 BY MS. COMEY:

4 Q. Did Amanda go alone to Jeffrey Epstein's house or with
5 someone else?

6 MR. PAGLIUCA: Your Honor, objection.

7 This was just ruled on at the bench.

8 MS. COMEY: Your Honor, I've moved on from the
9 question that was objected to.

10 THE COURT: Sustained.

11 Q. Let's talk about Melissa, Shawn.

12 About how old was Melissa when she was going over to
13 Jeffrey Epstein's house?

14 A. Sixteen.

15 Q. The first time you saw Melissa go to Jeffrey Epstein's
16 house, was she going alone or with someone else?

17 A. The first time it was her and Carolyn.

18 Q. Did they go in together?

19 A. Yes.

20 Q. For about how long were they inside?

21 A. An hour.

22 Q. When they came back out, what, if anything, did they have
23 with them?

24 A. Money.

25 Q. In what denomination?

LC8VMAX2

Shawn - direct

1 A. Hundred dollar bills.

2 Q. I'd like you to please turn in your binder to what's been
3 marked for identification as Government Exhibit 105.

4 Let me know when you're there.

5 A. I'm here.

6 Q. Do you recognize that?

7 A. Yes, ma'am.

8 Q. What is it?

9 A. That's a picture from Melissa's 16th birthday.

10 Q. How do you know it's a picture from Melissa's 16th
11 birthday?

12 A. Because I was there.

13 Q. Who do we see in this photograph?

14 A. Carolyn, Melissa, Candace, and another cousin.

15 MS. COMEY: Your Honor, the government offers this in
16 evidence under seal to protect the privacy of witnesses and
17 third parties.

18 MR. PAGLIUCA: No objection.

19 THE COURT: GX-105 is admitted under seal for the
20 reasons indicated.

21 (Government's Exhibit 105 received in evidence)

22 MS. COMEY: Your Honor, I would ask that the jurors
23 please turn in their binders to Government Exhibit 105.

24 THE COURT: All right.

25 GX-105 in the large binders, please.

LC8VMAX2

Shawn - direct

1 BY MS. COMEY:

2 Q. Shawn, can you tell us who we see from right to left in
3 this photograph, please.

4 A. On the right is Carolyn.

5 THE COURT: Sorry. I need you at the microphone,
6 please.

7 A. On the right is Carolyn, then Melissa, then Candace, and
8 then a cousin.

9 Q. And how do you remember this picture?

10 A. I was there.

11 Q. Where were you?

12 A. On the boat right over there to the side.

13 Q. And what day was this?

14 A. Melissa's 16th birthday.

15 MS. COMEY: We can set that aside. Thank you.

16 Q. Did you go to Jeffrey Epstein's house with Melissa one time
17 or multiple times?

18 A. Multiple.

19 Q. About how many times did you go with her when she was with
20 Carolyn?

21 A. Her and Carolyn went one time together.

22 Q. For the rest of the time, who did Melissa go inside with?

23 A. It was her or Amanda. She took Amanda there.

24 MR. PAGLIUCA: Your Honor, objection.

25 THE COURT: Sustained.

LC8VMAX2

Shawn - direct

1 The jury will disregard the last response.

2 Q. Did she go in by herself?

3 A. Yes.

4 Q. Did she go in by herself multiple times?

5 A. Yes.

6 Q. When she went in by herself, how long would she be inside?

7 MR. PAGLIUCA: Your Honor, I'm going to object on 602
8 grounds.

9 THE COURT: Overruled.

10 Q. How long did you wait for her?

11 A. An hour.

12 Q. And each time she came out after being in alone, what did
13 she have with her?

14 A. Money.

15 Q. In what denomination?

16 A. Hundred dollar bills.

17 Q. Remind us about when did you stop going with Carolyn to
18 Jeffrey Epstein's Palm Beach house?

19 A. She was 16, I was 18.

20 MS. COMEY: May I have a moment, your Honor?

21 THE COURT: You may.

22 (Counsel conferred)

23 Q. Shawn, were you and Carolyn using drugs around the time
24 when she was going to Jeffrey Epstein's house?

25 A. Yes.

LC8VMAX2

Shawn - direct

1 Q. Have you been arrested before?

2 A. Yes.

3 Q. Were you arrested in Louisiana in 2015?

4 A. Yes.

5 Q. What were you arrested for?

6 A. Possession of methamphetamine.

7 Q. Did you plead guilty to a felony based on your possession
8 of methamphetamine?

9 A. Yes, ma'am.

10 Q. Were you arrested in Florida in 2017?

11 A. I was.

12 Q. What were you arrested for?

13 A. Convicted felon with a firearm.

14 Q. What happened?

15 A. I did three years in prison.

16 Q. Did you plead guilty to having a gun after being convicted
17 of a felony?

18 A. Yes, ma'am.

19 Q. When were you released from prison?

20 A. August 2020.

21 Q. Have you been arrested since then?

22 A. No, ma'am.

23 Q. What type of work do you do now?

24 A. I'm a salesman.

25 Q. How often do you communicate with Carolyn now?

LC8VMAX2

Shawn - cross

1 A. Very rarely.

2 Q. When you do speak, what do you speak about?

3 A. My son.

4 Q. Do you two share a child?

5 A. We do.

6 Q. Since you broke up with Carolyn, have you had any
7 conversations with her about what happened with Jeffrey
8 Epstein?

9 A. No, ma'am.

10 Q. Have you had any conversations with Carolyn about your
11 testimony here today?

12 A. No, ma'am.

13 MS. COMEY: No further questions, your Honor.

14 THE COURT: All right. Mr. Pagliuca.

15 MR. PAGLIUCA: Yes, your Honor. Briefly.

16 CROSS-EXAMINATION

17 BY MR. PAGLIUCA:

18 Q. Shawn, you recall going --

19 THE COURT: Take off your mask.

20 MR. PAGLIUCA: Thank you, your Honor.

21 THE COURT: Thank you.

22 Q. Shawn, you recall going to the house in Palm Beach in 2002;
23 correct?

24 A. Yes.

25 Q. And you testified that you and Carolyn shared a phone; is

LC8VMAX2

Shawn - cross

1 that correct?

2 A. Yes.

3 Q. And you would occasionally answer the phone and it would
4 either be Epstein or Sarah Kellen calling; correct?

5 A. Yes.

6 MS. COMEY: Objection.

7 THE COURT: Just a moment.

8 Overruled.

9 Q. And you knew the name Sarah because Sarah told you that she
10 was calling on behalf of Epstein; correct?

11 A. Yes.

12 Q. You recall Sarah being professional in demeanor; correct?

13 A. Yes.

14 Q. And then you also recall someone with what you thought was
15 a French accent calling you; correct?

16 A. Correct.

17 Q. The first time you met with the government in connection
18 with this case was in a parking lot in Florida around January
19 4th, 2021, do you recall that?

20 A. Yes.

21 Q. And you didn't have any communication with the FBI at that
22 point. And then you scheduled a phone meeting with the
23 government or video meeting with the government January 13th,
24 2021; correct?

25 A. I believe so.

LC8VMAX2

Shawn - cross

1 Q. And in that meeting, the phone meeting, you identified two
2 people that called you, Sarah and then another European woman
3 with an accent that wasn't British that you couldn't identify;
4 correct?

5 A. Correct.

6 Q. And those were the only two people that you discussed with
7 the government in that June 13th, 2021 meeting; correct?

8 A. That first meeting, yes.

9 Q. And then in the meeting on June 7th, 2021 with the
10 government, that's the third meeting. You recalled again
11 getting calls from Sarah and another woman that you said had a
12 proper foreign accent; correct?

13 A. Correct.

14 THE COURT: Mr. Pagliuca, could I get you to shift the
15 mic a little when you're reading.

16 MR. PAGLIUCA: Yes, your Honor.

17 THE COURT: Thank you.

18 Q. Then you had a fifth meeting with the government, July
19 12th, 2021. You again indicated to the government that you
20 couldn't identify the specific origin of this accent of this
21 woman. Do you recall that?

22 A. Yes.

23 Q. And you again said it was European and not French, do you
24 recall that?

25 A. It's different, it's foreign to me.

LC8VMAX2

Shawn - cross

1 Q. Okay. And then it wasn't until very close to this trial in
2 November that you first said Maxwell was one of these people
3 calling you; correct?

4 A. I'm not sure about that.

5 Q. Okay. Now, you went to some of these meetings with
6 Epstein; correct?

7 A. Yes.

8 Q. And at one point I think you thought that you saw Sarah in
9 the driveway; is that correct?

10 A. I did.

11 Q. You never saw, talked to, met, Ms. Maxwell; correct?

12 A. No.

13 Q. And you were getting money, as I understand it, from
14 Carolyn; is that correct?

15 A. I would take money for gas, yes.

16 Q. And you would use the money from Carolyn to buy drugs;
17 correct?

18 A. Correct.

19 Q. And you and Carolyn were using marijuana, cocaine, ecstasy,
20 and other pills during that time period; correct?

21 A. Correct.

22 Q. You left the state of Florida in 2003 to go to Georgia;
23 correct?

24 A. Yes.

25 Q. And you were in Georgia for a period of time while Carolyn

LC8VMAX2

Shawn - cross

1 was pregnant with your child; correct?

2 A. I believe he was conceived in Georgia.

3 Q. Right. And then you were there until 2000 -- late 2003,
4 early 4, when your son was born in Florida; correct?

5 A. Correct. In March.

6 MR. PAGLIUCA: If I could have a moment, your Honor.

7 THE COURT: Yes.

8 MR. PAGLIUCA: Those are all the questions I have,
9 your Honor.

10 THE COURT: Okay. Ms. Comey.

11 MS. COMEY: No redirect, your Honor.

12 THE COURT: All right.

13 Shawn, you may step down. You are excused.

14 THE WITNESS: Thank you, ma'am.

15 THE COURT: Thank you.

16 (Witness excused)

17 THE COURT: The government may call its next witness.

18 MS. MOE: Thank you, your Honor.

19 The government calls Nicole Hesse.

20 THE COURT: One more time.

21 MS. MOE: Nicole Hesse, H-E-S-S-E.

22 Thank you, your Honor.

23 THE COURT: Thank you.

24 Nicole Hesse, you may come forward.

25 (Continued on next page)

LC8Cmax3

Hesse - direct

1 THE COURT: Good morning, Ms. Hesse.

2 NICOLE HESSE,

3 called as a witness by the Government,

4 having been duly sworn, testified as follows:

5 THE COURT: Thank you. Please be seated. You may
6 remove your maverick. Please state and spell your full name
7 for the record.

8 THE WITNESS: My name is Nicole Hesse, N-i-c-o-l-e
9 H-e-s-s-e.

10 THE COURT: Ms. Hesse, if you would please pull the
11 microphone toward you, if you speak directly into it and please
12 keep your voice up.

13 Ms. Moe, you may inquire.

14 MS. MOE: Thank you, your Honor.

15 DIRECT EXAMINATION

16 BY MS. MOE:

17 Q. Good morning.

18 A. Good morning.

19 Q. Do you prefer to be addressed as Ms. Hesse or Mrs. Hesse?

20 A. Mrs. Hesse, please.

21 Q. Thank you, Mrs. Hesse.

22 Can you tell the jury where were you born?

23 A. I was born in West Palm Beach, Florida.

24 Q. Where did you grow up?

25 A. North Palm Beach.

LC8Cmax3

Hesse - direct

1 Q. What kind of work do you do now?

2 A. I am a CNA. I work with the elderly. I'm also a teacher
3 and work with young children.

4 Q. Where did you work in approximately 2003?

5 A. I worked at the Epstein home.

6 Q. At what home are you referring to?

7 A. Jeffrey Epstein and Ghislaine Maxwell's house.

8 Q. Where was that house located?

9 A. On Palm Beach, El Brillo Way.

10 Q. What were your job responsibilities when you worked at the
11 Epstein and Maxwell home?

12 A. To take care of the home when they weren't there, any
13 maintenance. Things like that.

14 Q. So, to be clear, were they home when you were working in
15 the house?

16 A. No.

17 Q. Who hired you?

18 A. Ghislaine Maxwell.

19 Q. What did Maxwell look like when you first met her?

20 A. Short brown hair, defined cheeks, well put together,
21 pretty.

22 MS. MOE: Your Honor, may we publish what's in
23 evidence as Government Exhibit 115 as a public exhibit?

24 THE COURT: You may.

25 MS. MOE: Thank you, your Honor.

LC8Cmax3

Hesse - direct

1 Q. Mrs. Hesse, do you recognize Government Exhibit 115?

2 A. Yes, I do.

3 Q. What is it?

4 A. It's a picture of Ghislaine Maxwell.

5 MS. MOE: Thank you, Ms. Drescher. We can take that
6 down.

7 Q. Mrs. Hesse, can you tell us, what do you remember about
8 what the house in Palm Beach looked like?

9 A. It's a big home and I believe it to be white. The hedges
10 are all manicured. And large kitchen with an island. It's a
11 two-story home. I remember the stairwell going up. It was on
12 the water. It was like a pool and a patio area. And a guest
13 home off to the left.

14 Q. When you worked there, who gave you directions about what
15 to do at the house?

16 A. Ghislaine Maxwell.

17 Q. What were your job responsibilities?

18 A. Basically, if anything was broken in the house, like if the
19 air conditioner didn't work, I would call the AC guy and things
20 like that, just any maintenance. And I was there when the
21 housekeeper was there, I would open the door for her and let
22 her in and stuff.

23 Q. When you worked for Epstein and Maxwell in Palm Beach, did
24 you receive any instructions about what to do if someone called
25 the house?

LC8Cmax3

Hesse - direct

1 A. Yes. If someone called, there was a message pad right by
2 the phone and I would write it in that.

3 Q. Who gave you the instructions about what to do if someone
4 called the house when Epstein and Maxwell were away?

5 A. Initially, when I met with Ghislaine the first time, she
6 told me, if anyone calls to please write it in that book.

7 Q. What did the message book look like?

8 A. It was, like, blue and it had a spiral -- it was more like
9 a notebook. It had the time and the date and there were, like,
10 two copies, you know, on each --

11 Q. Where was the message book kept?

12 A. In the kitchen near the phone, there was like a little
13 counter-desk area.

14 MS. MOE: Your Honor, may I have just one moment?

15 THE COURT: You may.

16 MS. MOE: Your Honor, may I approach the witness with
17 what's marked for identification as Government Exhibits 1, 2,
18 and 3?

19 THE COURT: You may.

20 MS. MOE: Thank you.

21 BY MS. MOE:

22 Q. Mrs. Hesse, I've handed you what's been marked for
23 identification as Government Exhibits 1, 2, and 3. Do you see
24 those?

25 A. Yes, I do.

LC8Cmax3

Hesse - direct

1 Q. I want to ask you a few questions about those exhibits.

2 Have you reviewed Government Exhibits 1, 2, and 3 in
3 preparation for trial?

4 A. Yes, I have.

5 Q. Do you recognize them?

6 A. Yes, I do.

7 Q. What are Government Exhibits 1, 2, and 3?

8 A. They're message pads.

9 Q. Do you recognize these particular message pads?

10 A. Yes.

11 Q. Can you tell us about that.

12 A. This is where, when I was working at the Epstein home, I
13 would put messages if someone called.

14 Q. Have you reviewed the contents of these message books in
15 preparation for trial?

16 A. Yes, I have.

17 Q. Do you recognize their contents?

18 A. Yes, I do.

19 Q. Do you recognize your signature in Government Exhibits 1,
20 2, and 3?

21 A. Yes.

22 Q. Is your signature in all three of those books?

23 A. Yes, it is.

24 Q. Do you recognize messages that you took in all three of
25 those books?

LC8Cmax3

Hesse - direct

1 A. Yes.

2 Q. The messages that you took in those books, were they made
3 at or near the time of the phone calls that were the source of
4 the messages?

5 A. When the person called, I would look at my watch and write
6 down the time and the date and everything. So immediately,
7 yeah.

8 Q. Were these messages kept in the course of regularly
9 conducted activity within the Epstein and Maxwell residence?

10 A. Yes.

11 Q. Was taking messages like this a regular practice of your
12 job function?

13 A. Yes. If the phone rang, I would answer it and write down
14 who called and the time.

15 Q. Thank you, Mrs. Hesse.

16 MS. MOE: Your Honor, at this time, the government
17 would offer a series of excerpts from Government Exhibit 1. In
18 particular, your Honor, the government offers Government
19 Exhibit 1A as a public exhibit and the following exhibits under
20 seal: Government Exhibits 1B, 1C, 1J, 1K, 1M, 1O, and 1P.

21 With respect to Government Exhibit 2, excerpts from
22 that item have already been offered and received in evidence.

23 With respect to Government Exhibit 3, your Honor, the
24 government offers Government Exhibit 3A as a public exhibit,
25 and the following exhibits under seal: Government Exhibit 3B,

LC8Cmax3

Hesse - direct

1 3C, 3D, 3E, 3F, 3G, 3H, 3I, 3J, 3K, 3L, 3M, 3N, 3O, 3P, 3Q, 3R,
2 3S, 3T, 3U, 3V, 3W, 3X, 3Y, 3Z, 3AA, 3BB, 3CC, 3DD, 3EE, 3FF,
3 3GG, 3HH, 3II, 3JJ, and 3KK.

4 MR. PAGLIUCA: Your Honor, I don't object to the
5 records that this witness has --

6 THE COURT: Microphone.

7 MR. PAGLIUCA: -- personal knowledge of it in terms of
8 the signature that she took. The remainder, I object on
9 hearsay grounds.

10 THE COURT: Can you identify, do you know which?

11 MR. PAGLIUCA: We went through a very quick list
12 there, your Honor.

13 MS. MOE: Your Honor, may we be heard?

14 THE COURT: Why don't I give the jury their morning
15 break and I'll take this up.

16 Members of the jury, we'll see you in about 15
17 minutes.

18 The witness may step down for the break. Thank you.

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LC8Cmax3

Hesse - direct

1 (Jury not present)

2 (Witness excused)

3 THE COURT: You may be seated. Okay.

4 MS. MOE: Thank you, your Honor. These three exhibits
5 are spiral bound message books. As their appearance makes
6 clear, no one could tear an object out or put it in there, and
7 so they are a continuous record.

8 Your Honor, this witness has authenticated these
9 message books in the same manner that a previous witness has
10 also authenticated other message books, and they were admitted
11 exactly the same way earlier in a trial.

12 With respect to rule 901 --

13 THE COURT: I didn't hear an authentication objection.
14 It was hearsay.

15 MS. MOE: With respect to hearsay, these are
16 admissible for the same reasons the other message pads are
17 admissible and received. They are phone messages that record
18 the date and time of a person calling.

19 With respect to particular victims that are in those
20 messages, that would be a prior consistent statement to the
21 extent the witness testified.

22 Your Honor, there are already message pads that are
23 already in evidence that were not objected to on hearsay
24 grounds. So they are in the record. These are of a similar
25 nature. We are simply offering an additional set in the same

LC8Cmax3

Hesse - direct

1 way we offered similar messages through a previous witness.

2 THE COURT: So you have to take the objection when it
3 comes. I don't think there is a waiver theory as to future
4 objections.

5 Are you seeking to offer the names and phone numbers
6 for their truth?

7 MS. MOE: Yes, your Honor. And here, this witness has
8 testified that they would receive these calls, memorialize it
9 at the same time the person was recording it. And here, we're
10 not offering this for the truth of the particular phone number,
11 but that a person identifying themselves that way had called
12 and left a message on that date. That is consistent with the
13 testimony of victims who described calling the house and the
14 name of a victim who testified yesterday is in these messages.
15 The names are also consistent with the names of other
16 individuals who witnesses have testified about contacting the
17 house and being involved in scheduling massage appointments.

18 So with respect to the business records issue, here,
19 this witness has testified --

20 THE COURT: So the contention is that it's a business
21 record?

22 MS. MOE: Yes, your Honor. In addition, it's
23 memorializing the statement of the person calling at the time
24 they made it. So it's confirming that a person identifying
25 themself that way contacted the house at that time.

LC8Cmax3

Hesse - direct

1 In particular, your Honor, many of these messages have
2 the first and last name of a victim who testified yesterday
3 under the name Carolyn. And so it confirms that a person with
4 that name was contacting the house during the relevant
5 timeframe of the charged conspiracy.

6 THE COURT: Just so I understand the government's
7 argument, you are offering for the truth, but it's the hearsay
8 exception that proffering is the business record exception?

9 MS. MOE: Yes, your Honor. If I could just have one
10 moment.

11 THE COURT: Yes.

12 MS. MOE: Yes, your Honor. Just to be more precise.
13 I've been using the shorthand business records, but here the
14 issue is about whether it's record of a regularly conducted
15 activity within an organization.

16 THE COURT: Mr. Pagliuca.

17 MR. PAGLIUCA: Yes, your Honor. Just so that the
18 record is clear, there are four, I will call them message slips
19 per page. Many of these message slips don't have dates, don't
20 have signatures, and have very sort of cryptic explanations
21 about what is or isn't being purported to be recorded here.

22 This witness, I think, maybe has the ability to
23 authenticate four or five of these separate slips, but has no
24 knowledge about the other slips.

25 THE COURT: I'm sorry. So is that a 901 objection?

LC8Cmax3

Hesse - direct

1 MR. PAGLIUCA: No, it is not. I think she can say
2 this is the message pad. So it's not an authentication
3 objection. It is, though, as to these individual slips, she
4 has no knowledge about what's contained in them, and it goes to
5 a business record foundation as in when it was made, when it
6 was recorded, how it was stored, all of those sorts of things
7 that a normal business record custodian would talk about.

8 She, this particular witness, is not under any
9 particular business duty to record these other messages and
10 doesn't have any information about how these other messages may
11 or may not have been recorded, by whom, when, where, how, all
12 of those kinds of things.

13 So, I don't think you can just say that we're going to
14 take all these messages with all this different information in
15 it and then say it's all business record, it all comes in for
16 the truth of the matter asserted.

17 That's my objection under 801, your Honor, and I
18 suppose 803.6, which is the particular subsection under which
19 it is being offered.

20 MS. MOE: Taking those in turn, it appears defense
21 counsel is not disputing the authenticity of these messages
22 within the entire book because this witness has identified the
23 book. It's a spiral bound book. It sounds like there is no
24 dispute that these are authentic.

25 So the only thing we're talking about here is a

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Hesse - direct

1 hearsay objection. Here, this witness --

2 THE COURT: Just to be specific, there is not an
3 objection to the ones that she personally took. Can you
4 identify those, of the numbers.

5 MS. MOE: Yes, your Honor. I just want to doublecheck
6 the exhibits. I want to doublecheck them in the binder. I
7 think they are 1B, 2C, 3P, and 3X. I just want to doublecheck
8 that I have that right.

9 THE COURT: The 2 series is already in?

10 MS. MOE: Yes, your Honor.

11 THE COURT: So of the ones that you're offering?

12 MS. MOE: 1B, 3P, and 3X.

13 Just so I understand the issue, because it seems to
14 now be overlapping, I'm not sure why there would be a business
15 records objection to records other than those that this
16 employee took. I'm not sure if that's an authentication
17 question --

18 THE COURT: No. I think, as I understand it, we need
19 a custodian who indicates the foundation for the exception.
20 The record was made at or near the time by or from information
21 transmitted by someone with knowledge. The record was kept in
22 the course of a regularly conducted activity of a business,
23 organization, occupation, or calling, whether or not for
24 profit. Making your record was a regular practice of that
25 activity.

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Hesse - direct

1 So I think, with respect to the objection, we start
2 with the record was made at or near the time that the call came
3 in. So I think she's testified what she was instructed to do.

4 MS. MOE: Yes, your Honor.

5 THE COURT: Which included indicating a date and time
6 of the call and the like?

7 MS. MOE: Yes, your Honor. In our view, that meets
8 that prong of the business records exception.

9 On that score, I would note, your Honor, this is now
10 the second employee to testify that the instructions at the
11 household were to take contemporaneous messages as they came
12 in, in a message pad exactly like this. So there is now a
13 foundation in the record to show that this was the practice of
14 the household, these were the instructions the employees were
15 given.

16 Again, it's a spiral bound book, so we have a series
17 of messages in sequential order with dates and times
18 memorializing messages made. And the testimony has now been
19 twice that that was the practice of the household and
20 particular restrictions given by the defendant.

21 MR. PAGLIUCA: Your Honor, on that point, factually,
22 if you look at these messages, it belies the statement just
23 made, because Ms. Hesse's messages, for example, are pretty
24 well maintained, but when you go through these messages, there
25 are many multiples that are unsigned, undated, and don't fall

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Hesse - direct

1 within the practice that Ms. Hesse practiced -- Mrs. Hesse. So
2 I don't think that anyone can actually say that there is a
3 practice or methodology associated with these exhibits.

4 MS. MOE: Your Honor, on that subject, because the
5 messages are ordered sequentially, the rule only requires that
6 the record is made at or near the time of the offense recorded,
7 and because the dates and times are sequential, even when a
8 message doesn't have a date or time, it's situated between
9 sequentially ordered messages, which is how the record itself
10 shows that these are sequentially kept messages that are kept
11 at or near the time of those events. They are in chronological
12 order and that's all that the rule requires.

13 MR. PAGLIUCA: I disagree with that, as well, your
14 Honor, because when I'm going through these, again, there are
15 some that have dates on them and then there are some that have
16 dates out of order on them, and then there are a bunch that
17 don't have dates on them. There is no one that can establish a
18 particular practice of using the same book at the same time.
19 It is common knowledge, I think, for people who were using
20 these books when they were used, you can take any six different
21 books and start writing in them at any point in time to take a
22 message.

23 MS. MOE: Your Honor, the point here is that employees
24 were instructed to take messages from phone calls as they came
25 in. Mr. Pagliuca's point is to weight and not authenticity or

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1 to the business records exception. They're free to argue about
2 the timeframes and what could be construed from them, but the
3 question is whether this is a business record, and based on the
4 testimony from now two witnesses and the organization of the
5 book itself, which shows that this is a sequentially numbered
6 book that's bound, that was used as part of this employee's job
7 functions. That's all that the business records exception
8 requires.

9 Again, on the timing, the issue is whether these
10 records were made at or near. I'm not aware of any authority
11 that requires a foundation that a witness testify that they
12 personally made that record at the exact moment a phone call
13 came in. That's not what the business records exception
14 requires. It's whether it's at or near, whether it's part of
15 the general practice. If the requirement were that witnesses
16 come in and talk about the exact moment they recorded something
17 every time, business records would never be admitted in court.
18 That's not what the rule requires.

19 THE COURT: I'm going to poke around at the law. If
20 anybody has a case, you may have noticed, I like cases.

21 MS. MOE: Yes, your Honor.

22 THE COURT: I'll take a look during the remainder of
23 the break.

24 Can I keep these to look at them?

25 MS. MOE: Yes, your Honor, of course.

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Hesse - direct

1 THE COURT: Do you have sheets of the ones in
2 question?

3 MS. MOE: Yes, your Honor.

4 THE COURT: I guess what I need to do is consider
5 Mr. Pagliuca's point that they're out of order and the like.
6 I'll take the whole book back and we'll look at the law.

7 MS. MOE: Yes, your Honor. Very briefly on that very
8 last point, I would note that for I think essentially every
9 exhibit -- I'll doublecheck at the break, but I think for every
10 exhibit we've offered, there may not be a date on every single
11 message, but there are four messages per page and there are
12 dates on -- at least somewhere on the page.

13 THE COURT: Okay.

14 MS. MOE: Thank you, your Honor.

15 THE COURT: Thank you. See you in a few.

16 (Recess)

17 THE COURT: Anything further to offer on this?

18 MS. MOE: Yes, your Honor. Thank you.

19 We wanted to point out with respect to Government
20 Exhibit 606, which is the household manual, turning to page 7,
21 there are instructions to employees about taking phone
22 messages. Those instructions are: "Complete a phone message
23 slip with the following information: Name, spelt correctly;
24 date and time of call; telephone number, including the area
25 code."

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Hesse - direct

1 That is consistent with the testimony of Juan Alessi
2 who testified at pages 879 and 880 of the transcript.

3 "Q. And what was the practice when you worked for Mr. Epstein
4 of how you would take messages?

5 "A. I will answer the phone, I will listen who is calling.
6 And if the message was for Mr. Epstein, and if he wants to take
7 the call, he usually answer his calls, he has his number. And
8 if he was there, he will answer his calls. If he was not
9 there, I will take a message. Who's calling? I will ask for
10 the telephone number, the name, and I will write it down in
11 the -- in the -- in the message book.

12 "Q. And when would you write it in the message book?

13 "A. Soon while I was talking on the phone.

14 "Q. As you're talking on the phone receiving the information,
15 you were writing down that information into the book?

16 "A. Yes."

17 That's also consistent with his testimony at pages 878
18 through 880 where he describes that not only would he take
19 messages, but his wife would take messages and that another
20 personal assistant would take messages.

21 Finally, your Honor, with respect to the question of
22 case law, the Second Circuit has made clear that the
23 requirement is not that the custodian have personal knowledge
24 of all of the records. In particular, in *United States v.*
25 *Algamal*, (ph.) 831 F.appx 539 (2d Cir. 2020). The Second

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Hesse - direct

1 Circuit made clear, quote, the term custodian or other
2 qualified witness in Rule 803.6 is generally given a very broad
3 interpretation. A witness need not be a custodian or have
4 personal knowledge of the actual creation of the document to be
5 qualified within the meaning of Rule 803.6. And that's exactly
6 the foundation here under the business rules exception and for
7 that reason, your Honor, we offer these exhibits.

8 MR. PAGLIUCA: Your Honor, factually, Mr. Alessi left
9 in 2002. It's clear from looking at these records that
10 whatever the practice was, was not followed going forward.
11 Assuming for a moment that this house --

12 THE COURT: Not followed in every instance.

13 MR. PAGLIUCA: In most, in my review of these records.
14 We don't have -- I didn't do a percentages here, but there is a
15 substantial number of items in that book that don't follow what
16 either Mr. Alessi or Ms. Hesse said. And so, I don't think,
17 factually, you can say that these records were regularly --
18 well -- so this goes to --

19 I think there are two issues. First, is there a
20 business practice in effect during the time that these
21 particular exhibits are collected. That's the first question.
22 Then the second question is sort of a Lieberman-related issue,
23 and that is the content of what's in these messages, the actual
24 words themselves, all the Western Union money transfer records
25 for the truth of the content of what was written in the money

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Hesse - direct

1 transfer. Although there were certain pieces of information
2 that could be admitted, for example, someone saying a lengthy
3 dialogue that's recorded in one of these messages shouldn't be
4 admitted for the truth of the matter asserted because, first of
5 all, there is no business trustworthiness foundation for it.
6 Typically, when you're recording hearsay, in order for it to be
7 admissible, there needs to be some sort of business duty to
8 record and trustworthiness of the information.

9 This issue is similar. Issues that come up with
10 hospital records, for example, or police records, for example.
11 Just because a police officer, in the ordinary course of a
12 police officer's business being a police officer, takes a
13 statement from someone doesn't make the statement itself
14 admissible for the truth of the matter in the statement because
15 there is no verification of the accuracy and it just becomes
16 part of a record that, down the road, no one should be able to
17 say, here, I'm introducing this entire statement about what
18 happened for the truth of the matter asserted.

19 So, it is similar to that and I think it is --

20 THE COURT: I think in those cases, at the least, it
21 comes in for the limited purpose that a statement was taken
22 from so-and-so on a particular date and time.

23 MR. PAGLIUCA: Sure. And so that's a limiting factor
24 on the truth of the matter asserted in the statement. In my
25 experience, typically, the hearsay portions of those kinds of

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Hesse - direct

1 records, which I think these are those kinds of records, are
2 redacted and you get -- there is a very limited range of
3 information on the record.

4 THE COURT: You were handed a note. Do you have
5 another point?

6 MR. PAGLIUCA: Yes, and Ms. Menninger makes a good
7 point. Police officers, for example, or hospital folks
8 typically get identification when they're recording this
9 information, so they actually know who's speaking to them, and
10 that is some circumstantial trustworthiness at least of ID or
11 something like that. Here, we don't have many instances,
12 anything other than JE Natasha -- this is the 2D that I'm
13 looking at -- and then a phone number with no date and no
14 signature on it.

15 So there are many of these throughout that simply
16 don't have any indicia of reliability or satisfy even the
17 minimum requirements for the business record exception.

18 MS. MOE: Your Honor, I think the Court has it exactly
19 right, that the issue here is whether they can be offered to
20 show who was calling the house, the dates and times of those
21 calls. That's the purpose for which these are being offered.

22 With respect to other indicators of trustworthiness,
23 now two witnesses have testified that a person with a first and
24 last name appearing in these records, in fact, called the house
25 and was there during this time period. It would be exceedingly

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Hesse - direct

1 strange to suggest that her full name would appear in this
2 message book for no reason. There are all kinds of indicia of
3 trustworthiness here.

4 Again, given the purpose for which these are being
5 offered and the substantial foundation for both authentication
6 and admissibility as a business record, we believe these should
7 be admitted.

8 THE COURT: On the purpose point, the name given by
9 the caller, date and time of call, are you also seeking the
10 phone numbers?

11 MS. MOE: Yes, your Honor, that that person was
12 reporting a certain callback number.

13 Again, the purpose of the messages was to report to
14 the defendant and Mr. Epstein who was calling. So here, that
15 information is relevant in terms of knowledge and otherwise,
16 the fact that a caller provided that information on a certain
17 date and a time, that's the purpose for which they're being
18 offered.

19 THE COURT: I will overrule the objection. I do think
20 between the two witnesses, Alessi and the current witness, is
21 sufficient foundation for application of 803.6 has been made.
22 These are not the kind of miscellaneous jottings that are
23 excluded from calendars or the like. There is a record of a
24 sufficiently regular practice having reviewed the full books in
25 their entirety, and based on the testimony of the two

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Hesse - direct

1 witnesses, there is a sufficiently regular practice to permit
2 admissibility under 803.6 for the purpose of showing that
3 someone reporting to be a given name and calling from a
4 particular number called on the dates indicated, and there are
5 a number of other indicia of trustworthinesses described by
6 Ms. Moe. So I'll overrule the objection and I'll admit the --
7 well, you're seeking admission of the full message books with
8 the ones you indicated or just the ones you indicated?

9 MS. MOE: We're just offering the subsets of the
10 marked exhibits that I read into the record. If defense
11 counsel would prefer that the books themselves be admitted
12 along with it, we certainly would have no objection about that.
13 We just tried to be more narrow.

14 THE COURT: I would say part of my analysis depends on
15 having reviewed the full set of books.

16 MS. MOE: Yes, your Honor. I have no objection to
17 offering Government Exhibits 1, 2, and 3, and I can do that
18 when the jury returns.

19 THE COURT: Okay. Anything else to bring up before
20 the jury comes back?

21 MS. MOE: Nothing from the government, your Honor.

22 THE COURT: We can bring the witness back.

23 Mrs. Hesse, you may take your seat. Thank you.

24 (Continued on next page)
25

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Hesse - direct

1 (Jury present)

2 THE COURT: Thank you, members of the jury. Ms. Moe,
3 you can continue with your direct examination of Mrs. Hesse.

4 MS. MOE: Thank you, your Honor.

5 Just so the record is clear, for the subset of exhibit
6 numbers that I just read out, have those now been received in
7 evidence?

8 THE COURT: Yes. Objection overruled. They are
9 admitted.

10 MS. MOE: Your Honor, in addition, the government
11 would offer Government Exhibits 1, 2, and 3.

12 THE COURT: Mr. Pagliuca, same objection, overruled.
13 1, 2, and 3 are admitted.

14 (Government's Exhibits 1, 2, 3 received in evidence)

15 MS. MOE: Thank you, your Honor. We would request
16 that Government Exhibits 1, 2, and 3 be received under seal for
17 the same reasons.

18 THE COURT: Yes. GX1, 2, and 3 are admitted under
19 seal for the privacy of witnesses and parties.

20 MS. MOE: Thank you, your Honor.

21 BY MS. MOE:

22 Q. Mrs. Hesse, I just want to ask you about three of those
23 messages in particular.

24 A. Okay.

25 Q. If you could please turn to the binder in front of you and

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Hesse - direct

1 look for tab 1B.

2 MS. MOE: Your Honor, I would respectfully request
3 that the jury be permitted to turn to Government Exhibit 1B in
4 their binders.

5 THE COURT: Okay. Mr. Pagliuca, 1B?

6 MR. PAGLIUCA: No objection, your Honor.

7 THE COURT: You may turn to 1B in the large binder,
8 please.

9 MS. MOE: Just to clarify, it's the smaller of the two
10 binders. Apologies for all the binders.

11 THE COURT: Sorry.

12 MS. MOE: That's my mistake, your Honor.

13 THE COURT: I think we're missing --

14 MS. MOE: Thank you.

15 BY MS. MOE:

16 Q. Mrs. Hesse, are you now looking at what's in evidence as
17 Government Exhibit 1B?

18 A. I can't find the B.

19 MS. MOE: May I have just one moment to help?

20 THE COURT: Yes.

21 MS. MOE: Thank you.

22 A. Yes, I have it now.

23 Q. Mrs. Hesse, I want to ask you some questions about
24 Government Exhibit 1B, but I want to be very careful not to
25 read out any names out loud.

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Hesse - direct

1 A. Okay.

2 Q. I'm going to direct your attention to the top-left corner
3 of Government Exhibit 1B.

4 A. Okay.

5 (Continued on next page)

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LC8VMAX4

Hesse - direct

1 BY MS. MOE:

2 Q. What's the date of that message?

3 A. 8/12/04.

4 Q. And looking at the signature line at the bottom of that
5 message in the upper left-hand corner, do you recognize that?

6 A. Yes, that's my signature.

7 Q. Now, I want to turn to the message on the upper right, the
8 one to the right of the message that has your signature.

9 A. Okay.

10 Q. Again, without reading any names, I just want to ask you,
11 yes or no, is the person who left this message Carolyn?

12 A. I don't know. I see a K.

13 Q. Focusing on the upper right-hand corner of Government
14 Exhibit 1B, do you see the message that starts "for
15 Mr. Epstein"?

16 A. Yes, I do. Oh, wait. Yeah.

17 Q. And again, without reading the name, just want to follow
18 along very closely. The top line, it says "for Mr. Epstein";
19 is that right?

20 A. That's correct.

21 Q. And is the date beneath that 7/30?

22 A. That's correct.

23 Q. And again, without reading the name, just yes or no, the M
24 line, is that the person who left the message, again, without
25 saying the name?

LC8VMAX4

Hesse - direct

1 A. I believe so.

2 Q. And is the first name Carolyn, C-A-R-O-L-Y-N?

3 A. That's correct.

4 Q. All right. So I want to turn now and ask you about another
5 exhibit, Mrs. Hesse. Could you please turn to tab 2T please.

6 MS. MOE: And, your Honor, may the jurors turn to
7 Government Exhibit 2T, which is in evidence?

8 THE COURT: Yes. Mr. Pagliuca, 2T is already in?

9 MR. PAGLIUCA: That's correct.

10 THE COURT: All right. Jurors, turn to 2T.

11 MS. MOE: Thank you, your Honor.

12 BY MS. MOE:

13 Q. All right. Now that we're looking at Government Exhibit
14 2T, I just want to ask you a few questions about this
15 particular exhibit.

16 So focusing on the message on the upper right-hand
17 corner, do you see the line that says "for" and it says
18 "Mr. Epstein"?

19 A. Yeah. I just want to confirm that I'm in the right spot.
20 Is it GX and then 2T?

21 Q. Yes.

22 A. Okay.

23 Q. Thank you, Mrs. Hesse.

24 All right. So looking at the upper right-hand corner
25 of Government Exhibit 2T, do you see the message that says "for

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Hesse - direct

1 Mr. Epstein"?

2 A. Yes, I do.

3 Q. And is the date on this message March 11th, 2003?

4 A. Yes, 3/11/2003.

5 Q. And the line M underneath that listing, the person who left
6 the message, is that Carolyn, C-A-R-O-L-Y-N?

7 A. Yes, that's what I see.

8 Q. I want to ask you about just one last message. Could you
9 please turn to the tab marked Government Exhibit 4B.

10 MS. MOE: And, your Honor, may the jurors do the same?

11 THE COURT: I'm sorry, what was the number?

12 MS. MOE: Government Exhibit 4B.

13 THE COURT: 4B is in?

14 MR. PAGLIUCA: Let me --

15 MS. MOE: Apologies, your Honor, I misspoke.

16 THE COURT: Just a moment please, members of the jury.

17 BY MS. MOE:

18 Q. Mrs. Hesse, could you please turn to Government Exhibit 3E,
19 which is in evidence?

20 THE COURT: Are you saying "E," like elephant?

21 MS. MOE: Yes, your Honor.

22 And may the jurors do the same?

23 THE COURT: Let me just confirm, Mr. Pagliuca. I just
24 admitted 3E so --

25 MR. PAGLIUCA: Correct.

LC8VMAX4

Hesse - direct

1 THE COURT: Thank you. You may turn to 3E.

2 Q. Thank you, Mrs. Hesse. Do you have 3E?

3 A. Yes, I do.

4 Q. Thank you.

5 So my only question about this exhibit is, is the
6 first name of the person who left this message Carolyn,
7 C-A-R-O-L-Y-N?

8 THE COURT: Are you directing to a particular message?

9 MS. MOE: Yes.

10 Q. Do you see a message on there that has the name Carolyn on
11 it, Mrs. Hesse?

12 A. Yes, I do. It's in the bottom corner on the right.

13 Q. And is that spelled C-A-R-O-L-Y-N?

14 A. Yes.

15 Q. Thank you, Mrs. Hesse.

16 On the days that you worked at the Palm Beach house --

17 THE COURT: Jurors can put the binders down.

18 Thank you.

19 MS. MOE: Thank you, your Honor.

20 Q. Mrs. Hesse, on the days that you worked at the Palm Beach
21 house, were Maxwell and Epstein home?

22 A. No.

23 Q. Was your job to work there while they were away?

24 A. That's correct.

25 Q. Did you work full-time?

LC8VMAX4

Hesse - cross

1 A. No, part-time.

2 Q. Approximately when did you stop working for Maxwell and
3 Epstein?

4 A. Around 2004, a little bit after that.

5 MS. MOE: Your Honor, may I have just one moment?

6 THE COURT: You may.

7 (Counsel conferred)

8 MS. MOE: Nothing further, your Honor.

9 Thank you, Mrs. Hesse.

10 THE COURT: All right. Mr. Pagliuca?

11 MR. PAGLIUCA: Thank you, your Honor.

12 CROSS-EXAMINATION

13 BY MR. PAGLIUCA:

14 Q. Good afternoon, Ms. Hesse.

15 A. Good afternoon.

16 Q. Just a few questions.

17 THE COURT: You could take off your mask,
18 Mr. Pagliuca.

19 MR. PAGLIUCA: Thank you for reminding me, your Honor.

20 Q. Ms. Hesse, you were hired after an interview by
21 Ms. Maxwell, hired by Mr. Epstein; correct?

22 A. That's correct.

23 Q. And is it my understanding that you started working in
24 roughly September of '03; is that correct?

25 A. I'm not exactly sure, but, yes, I was working in September

LC8VMAX4

Hesse - cross

1 of '03.

2 Q. Okay. And I think you just testified that it was a
3 part-time job at that point in time; correct?

4 A. That's correct.

5 Q. And I believe you had children and you were -- had other
6 obligations as well; correct?

7 A. Yes, my two-year old came with me.

8 Q. Right. And so the practice was for you to -- when
9 Mr. Epstein wasn't in residence, you would go to the Palm Beach
10 house and take care of various maintenance issues, monitor what
11 was going on, those types of things; correct?

12 A. That's correct.

13 Q. And when Mr. Epstein was in residence, your services were
14 not needed there; correct?

15 A. That's correct.

16 Q. So I think it would be fair to say you functioned as what I
17 would call sort of a part-time caretaker of the property?

18 A. Manager, yeah.

19 Q. And you would go for however much time was needed, and then
20 you would leave and go back home, right?

21 A. That's correct.

22 Q. Okay. Now, when you were doing this job, sometimes
23 Ms. Maxwell would be there and sometimes Ms. Maxwell wouldn't
24 be there; correct?

25 A. That's correct.

LC8VMAX4

Hesse - cross

1 Q. And you actually didn't interact with her very much at the
2 house in Palm Beach; correct?

3 A. That's correct.

4 Q. And there were times that you were aware of where
5 Mr. Epstein would go to the Palm Beach property and bring
6 another woman with him other than Ms. Maxwell; correct?

7 A. I don't really know that.

8 MR. PAGLIUCA: If we can show the witness
9 electronically 3517-002, page 2.

10 MS. MOE: Your Honor, I believe the witness testified
11 she doesn't know, not that she doesn't remember.

12 MR. PAGLIUCA: I'm referring the witness to a
13 statement, your Honor.

14 THE COURT: You may proceed.

15 MR. PAGLIUCA: Thank you.

16 THE COURT: It's not up yet, so I need to look at it.

17 MR. PAGLIUCA: I understand. I'm waiting for it to be
18 up, your Honor. 3517-002, page 2, second paragraph up from the
19 bottom.

20 THE COURT: That's not it.

21 MR. PAGLIUCA: Excuse me?

22 THE COURT: What was just shown --

23 MR. PAGLIUCA: 3517-02.

24 THE WITNESS: I see what you're showing me.

25 THE COURT: You mean the third paragraph?

LC8VMAX4

Hesse - cross

1 MR. PAGLIUCA: Yes, your Honor.

2 THE COURT: Just a moment. Okay.

3 BY MR. PAGLIUCA:

4 Q. Ms. Hesse, do you recall that you knew Epstein liked women,
5 and that women would visit the residence even when Maxwell was
6 not there?

7 A. Yes, that there were women that came to massage, because
8 I've taken messages for them.

9 Q. When Maxwell was not there, right?

10 A. Right. But I wasn't there to see it, but I've taken a
11 message in reference to massage.

12 Q. Okay. So you also understood that Ms. Maxwell had another
13 residence in Miami at the time; correct?

14 A. No, I never knew about a Miami residence, only New York.

15 Q. And you did know that she had a home in New York, right?

16 A. That's correct.

17 Q. Okay. I want to take a look at some of what you've looked
18 at in Government Exhibit -- let's start with 1B, which was the
19 first message pad that you looked at.

20 MS. MOE: Your Honor, if I could just have a moment to
21 confer with counsel.

22 THE COURT: Yes.

23 (Counsel conferred)

24 Q. I just want to use this page as a general example moving
25 forward, Ms. Hesse.

LC8VMAX4

Hesse - cross

1 So the left message is a message that you took, the
2 top left quarter?

3 A. That's correct. That's my signature.

4 MR. PAGLIUCA: And perhaps, your Honor, if the jurors
5 could be referred to their binders and follow along.

6 THE COURT: Jurors may turn to GX-1B, please.

7 Is that the small binder or large binder?

8 MS. MOE: The small binder, your Honor.

9 THE COURT: Small binder. Thank you.

10 Just caution about saying the last name.

11 MR. PAGLIUCA: Understood, your Honor.

12 THE COURT: 1B. Thank you. GX-1B.

13 BY MR. PAGLIUCA:

14 Q. And so, Ms. Hesse, just looking at the left quarter there,
15 that's a message that you took; correct?

16 A. That's correct.

17 Q. And the top line is the "for" line on all of these
18 messages?

19 A. Yes.

20 Q. And on this page, for example, the top two are for
21 Mr. Epstein; the one in the left quarter lower is JE, and then
22 the right is Sarah. Do you see that?

23 A. Oh, the JE is down below. Correct.

24 Q. Yes. And I'm assuming you did not take the three yellow
25 messages that are referenced here; correct?

LC8VMAX4

Hesse - cross

1 A. That's correct.

2 Q. It appears to me that you were pretty precise when you were
3 taking messages, is that a fair statement?

4 A. That's fair.

5 Q. And then the other three on this page lack some of the
6 precision of your message-taking; correct?

7 A. That's true.

8 Q. Going forward, let's take a look at 1C.

9 MR. PAGLIUCA: And if the jurors could just follow
10 along, if that's all right, your Honor.

11 THE COURT: Yes. You may look at 1C, please, jurors.

12 Q. And again, 1C doesn't appear to have been taken at all by
13 you; correct?

14 A. I don't have anything on 1C; it's all blank.

15 Q. Okay. I have some messages on mine on 1C.

16 THE COURT: Mrs. Hesse is referring to the message on
17 the lower left-hand corner of 1C. The whole page is --

18 THE WITNESS: Oh, the whole page is 1C, but the left
19 corner is blank. Okay.

20 Q. Yes. And just to orient us, this is not taken by you;
21 correct?

22 A. That is correct.

23 Q. And again, the top line, there is one in the top left for
24 Mr. Epstein, and then on the top right we've got Sarah, and
25 then I can't tell who the bottom right is.

LC8VMAX4

Hesse - cross

1 A. I can't either.

2 Q. Okay. And if we could then look at 1J.

3 MR. PAGLIUCA: And if the jurors could also turn to
4 1J, your Honor.

5 THE COURT: They may. Please turn to 1J.

6 Q. All four of these messages are for Mr. JE, do you see that,
7 Ms. Hesse?

8 A. Yes.

9 Q. Okay. And if we go to 1K --

10 THE COURT: Jurors may go to 1K.

11 MR. PAGLIUCA: Thank you, your Honor.

12 Q. Just starting at the top left of these messages, we've got
13 for Sarah, Jeffrey, Sarah, Mr. JE. Do you see that?

14 A. I do.

15 Q. Okay. If we can go to 1M.

16 THE COURT: Jurors may go to 1M.

17 Q. 1M, we've got --

18 THE COURT: I'm sorry, is it "M," like Mary?

19 MR. PAGLIUCA: Yes, "M," like Mary, your Honor.

20 Q. The messages are for Jeffrey, Jeffrey, Jeffrey, Jeffrey;
21 correct?

22 A. Yes, that's what I see.

23 Q. Have you reviewed these message pads before today,
24 Mrs. Hesse?

25 A. Yes.

LC8VMAX4

Hesse - cross

1 Q. It's a fair statement that the vast majority of the
2 messages in these exhibits are for Mr. Epstein; correct?

3 A. Yes.

4 Q. And at the time that -- well, let me back up.

5 Many of these messages do not have dates or times on
6 them; correct?

7 A. I see a lot that do. On this page it does, yeah.

8 Q. And then there's a number that don't, right?

9 A. Yes.

10 Q. And again, you don't have any personal knowledge about the
11 accuracy of any of these messages, just that somebody wrote
12 down a message to Mr. Epstein generally in these message pads;
13 correct?

14 A. The ones I wrote are accurate.

15 Q. I understand. I'm not questioning your recording accuracy,
16 Mrs. Hesse. But all I'm talking about is the ones that you
17 didn't write.

18 A. Mm-hmm.

19 Q. OK?

20 And to my understanding, the only time you would be
21 taking messages would be when you were at the residence when
22 Mr. Epstein wasn't there?

23 A. That's correct.

24 Q. Okay.

25 MR. PAGLIUCA: If I could have a moment, your Honor.

LC8VMAX4

Rodgers - direct

1 THE COURT: You may.

2 (Counsel conferred)

3 MR. PAGLIUCA: I have no other questions, your Honor.

4 THE COURT: All right. Thank you.

5 Ms. Moe?

6 MS. MOE: No redirect, your Honor. Thank you.

7 THE COURT: Mrs. Hesse, you may step down.

8 You are excused. Thank you.

9 THE WITNESS: Okay.

10 (Witness excused)

11 THE COURT: The government may call its next witness.

12 MS. COMEY: The government calls David Rodgers.

13 THE COURT: David Rodgers may come forward.

14 Good afternoon, Mr. Rodgers.

15 DAVID RODGERS,

16 called as a witness by the Government,

17 having been duly sworn, testified as follows:

18 THE COURT: Ms. Comey, you may inquire.

19 MS. COMEY: Thank you, your Honor.

20 DIRECT EXAMINATION

21 BY MS. COMEY:

22 Q. Good afternoon, Mr. Rodgers.

23 A. Good afternoon.

24 Q. What kind of work do you do?

25 A. I'm a pilot.

LC8VMAX4

Rodgers - direct

1 Q. I'd like to direct your attention to the period between
2 1991 and 2019. Who did you work for during that time?

3 A. Jeffrey Epstein.

4 Q. What was your job for Jeffrey Epstein?

5 A. I was chief pilot for about 13 years, and then captain and
6 first officer and flight engineer.

7 Q. About when were you first hired?

8 A. I was first hired in July of 1991.

9 Q. Who hired you?

10 A. Jeffrey Epstein.

11 Q. Where were you hired?

12 A. Columbus, Ohio.

13 Q. How did you come to be hired?

14 A. I had been flying a Hawker for a real estate developer in
15 Columbus, Ohio for several years. And we had just sold our
16 airplane. So the aviation manager for the limited flight
17 department asked me if I would be interested in flying for
18 Jeffrey Epstein, who was about to purchase the same type of
19 airplane I'd been flying. And I told him yes.

20 And so the next day I had an interview with Jeffrey.
21 And he hired me and said, You can hire anybody you want to work
22 with you.

23 Q. And did you then hire someone else?

24 A. Yes.

25 Q. Who was that?

LC8VMAX4

Rodgers - direct

1 A. Larry Visoski.

2 Q. What was his job?

3 A. Larry was a co-captain and director of maintenance.

4 Q. And for how long did Larry work with you for Mr. Epstein?

5 A. For Mr. Epstein we were 28 years with Mr. Epstein alive, a
6 little longer after that.

7 MS. COMEY: Ms. Drescher, would you please pull up
8 what's in evidence as Government Exhibit 112.

9 Q. Mr. Rodgers, do you recognize the person in that
10 photograph?

11 A. Yes, that's Jeffrey Epstein.

12 MS. COMEY: We can take that down.

13 Thank you, Ms. Drescher.

14 Q. About how old was Jeffrey Epstein when he hired you in
15 1991?

16 A. Thirty-eight.

17 Q. What were your responsibilities as chief pilot for your
18 first 13 years of employment with Mr. Epstein?

19 A. As chief pilot, there are a lot of responsibilities. But
20 probably the one that would be at the top would be safety,
21 making sure that the airplane is always operated in a safe
22 manner; making sure that you're following FAA regulations and
23 rules; making sure that your pilots are retrained every year,
24 recurrent training. And also, more importantly is following
25 maintenance procedures for the aircraft to make sure it stays

LC8VMAX4

Rodgers - direct

1 in proper operating condition.

2 And there's a lot of other duties, too: Budgeting,
3 scheduling. Quite a few things. But that pretty much
4 summarizes it.

5 Q. Did you also fly the planes?

6 A. Yes, I did.

7 Q. And then you switched to captain and flight engineer. What
8 were the responsibilities of those positions?

9 A. As captain, you would get the weather for the flight, file
10 the flight plan, fuel the airplane, you would reserve hotel
11 rooms, cars, catering, stuff like that.

12 Q. Between 1994 and 2004, about how often did you fly Jeffrey
13 Epstein's private planes?

14 A. On average, we flew every four days.

15 Q. Was there a particular set schedule?

16 A. No.

17 Q. Was there any sort of routine or frequent stops?

18 A. Primarily most of the time we were going to one of his
19 houses.

20 Q. Where was that?

21 A. At that time it was Palm Beach, Florida; New York;
22 Columbus, Ohio at that time. And then later on there were the
23 ranch near Santa Fe, New Mexico, and then an island down at --
24 near St. Thomas.

25 Q. About when do you remember starting to fly out to New

LC8VMAX4

Rodgers - direct

1 Mexico?

2 A. That would have been 1993.

3 Q. And about when do you remember starting to fly to St.
4 Thomas?

5 A. Probably around 1998.

6 Q. I'd like to focus again on the period between 1994 and
7 2004. During that period, how did you learn about an upcoming
8 flight for one of Mr. Epstein's planes?

9 A. It would be one of several ways. It could be Jeffrey
10 Epstein himself could tell us before we left the plane that
11 we're leaving in two days or two hours or whatever we're doing.
12 It could also be from his secretary. There were times that
13 Ghislaine Maxwell might tell us about when the flight was.

14 Q. Who was Ghislaine Maxwell?

15 A. She worked for Jeffrey Epstein.

16 Q. Based on your observations and time working with her, what
17 were her job responsibilities?

18 A. She had a lot of responsibilities. She was a property
19 manager pretty much for all of his homes that he had, an office
20 manager. She would hire -- or she would interview prospective
21 employees and she would hire employees. She would be -- she
22 would do a lot of purchases for the homes, for the apartments,
23 for the airplanes also, soft goods that you would need in those
24 places.

25 Q. Among Mr. Epstein's employees, where in the hierarchy did

LC8VMAX4

Rodgers - direct

1 Ms. Maxwell fall?

2 A. She would be number two.

3 Q. Below whom?

4 A. Jeffrey Epstein.

5 Q. About when did you first meet Ms. Maxwell?

6 A. July of 1991.

7 Q. What did Ms. Maxwell look like when you first met her?

8 A. She was 29 years old, shoulder-length black hair, probably
9 around five seven, slim build, very energetic, great
10 personality.

11 Q. What, if any, accent did she have?

12 A. British accent.

13 Q. How, if at all, did Ms. Maxwell's hair change between when
14 you met her in 1991 and 2004?

15 A. It got shorter over the years.

16 Q. Would you recognize Ms. Maxwell if you saw her again today?

17 A. Yes.

18 Q. Looking around the courtroom, do you see her?

19 A. Yes, I do.

20 Q. Would you please point her out and identify an article of
21 clothing she's wearing?

22 A. She has a maroon top on at the table.

23 MS. COMEY: Would the record please reflect that the
24 witness has identified the defendant.

25 THE COURT: The record shall so reflect.

LC8VMAX4

Rodgers - direct

1 Q. Other than on one of Mr. Epstein's planes, how else would
2 you interact with Ms. Maxwell between 1994 and 2004?

3 A. Early on it would be by beeper, if she needed something;
4 and then later on we had cell phones. And, you know,
5 occasionally I would see her at the office, and obviously on
6 the airplane.

7 Q. Other than on the airplane and at the office, did you ever
8 see Ms. Maxwell anywhere else in person?

9 A. Yes, I would see her at her house.

10 Q. Why would you go to her house?

11 A. She had first aid kits that we also had maintained on our
12 airplane; and so we provided her with those first aid kits.
13 And so they had to be refurbished once a year. So I would go
14 there to pick it up, and then return it after it got
15 refurbished.

16 Q. Between 1991, when you first met her, and 2004, what
17 residences of Ms. Maxwell's did you personally visit?

18 A. The first one would have been on 59th Street near Columbus
19 Circle. The second one would have been a studio apartment, not
20 sure of the location, probably Upper East Side of Manhattan.
21 And then she had an apartment, large apartment, on 84th Street.
22 And then she had a townhouse on 65th Street.

23 Q. I want to walk through each of those, please.

24 When did you go to the 59th Street apartment?

25 A. In the fall of 1991. I don't recall exactly when.

LC8VMAX4

Rodgers - direct

1 Q. Could you describe that residence.

2 A. It was a very large residence. It was, you know -- I don't
3 recall what floor, an upper floor, but it was a very large
4 residence, very large apartment.

5 Q. Was it in Manhattan?

6 A. Yes.

7 Q. Where was it situated?

8 A. 59th Street near Columbus Circle.

9 Q. And then about when, to your understanding, did she move to
10 the studio apartment?

11 A. I would say that was at the end of 1991, possibly early
12 1992.

13 Q. And were you aware from your conversations with Ms. Maxwell
14 about something that happened in between that move?

15 MR. EVERDELL: Objection. Relevance.

16 THE COURT: Just a moment.

17 MS. COMEY: Goes to motive, your Honor.

18 MR. EVERDELL: Your Honor, may I be heard?

19 THE COURT: You may.

20 (Continued on next page)

LC8VMAX4

Rodgers - direct

1 (At sidebar)

2 THE COURT: I don't know what the question is
3 eliciting.

4 MR. EVERDELL: It seems evident to me that what the
5 government wants to get into is the fact of Ms. Maxwell's
6 father's death around that time. Because I think what they're
7 going to try to do is argue that his death was somehow a motive
8 for her because of their wealth or something connected to her
9 father, and she had to move to a smaller apartment.

10 Now, this is something that is outside of the scope of
11 the conspiracy and wasn't even -- our understanding, it wasn't
12 even her apartment on 59th; she shared a room with somebody.
13 This is really getting totally outside the scope. It is three
14 years before the conspiracy allegedly began and it is totally
15 out of bounds here because they are trying to link it up to
16 something that has no relevance to this case.

17 MS. COMEY: Your Honor, I think that what the witness
18 will say is that -- I think the witness will say that her
19 father died in between those two, that's all I plan to elicit.
20 And then she moved to a much smaller apartment. She then moved
21 to a series of larger apartments, ending in a large townhouse.
22 There's evidence that Jeffrey Epstein bought that townhouse for
23 her. This goes to Ms. Maxwell's motive to participate in these
24 crimes with Mr. Epstein in terms of the finances that she
25 received and the fact that she was not a particularly wealthy

LC8VMAX4

Rodgers - direct

1 person when she first met Mr. Epstein.

2 MR. PAGLIUCA: There's no foundation for that either.
3 The fact that somebody moves into a smaller apartment means
4 that they don't have any money? I mean --

5 THE COURT: Overruled.

6 (Continued on next page)

LC8VMAX4

Rodgers - direct

1 (In open court)

2 THE COURT: Go ahead, Ms. Comey.

3 BY MS. COMEY:

4 Q. Are you aware from your conversations with Ms. Maxwell
5 about an event that took place in her life between when she was
6 in the larger apartment and then moved to the studio apartment?

7 A. Her father had passed away in November, early November of
8 1991.

9 Q. Do you know about when she moved from the studio apartment
10 to the 84th Street apartment?

11 A. I don't. I would guess -- if I guessed, it would be --

12 Q. I'm not asking you to guess. Can you estimate based on
13 your best recollection?

14 A. I would estimate maybe one to two years.

15 Q. And then do you recall approximately when she moved to the
16 townhouse?

17 MR. EVERDELL: Objection. Foundation.

18 THE COURT: Sustained.

19 Q. Based on your conversations with Ms. Maxwell, what is your
20 understanding of when approximately she moved to the townhouse?

21 MR. EVERDELL: Objection. Hearsay.

22 MS. COMEY: Statement of the defendant, your Honor.

23 MR. EVERDELL: It's not in furtherance, your Honor.

24 THE COURT: Overruled.

25 Q. Based on your conversations with Ms. Maxwell, what is your

LC8VMAX4

Rodgers - direct

1 understanding of when she moved to the townhouse approximately?

2 A. In the -- probably the late '90s, possibly 2000.

3 Q. Could you describe that townhouse for us please.

4 A. I believe it was a brown, five stories tall. It had a
5 courtyard in the back of it. It was -- it was a pretty big
6 place, probably, I'm guessing -- well, I'm not guessing.

7 Approximately 6,500 square feet, maybe seven.

8 Q. All of these homes you've described, in what borough were
9 they located?

10 A. Manhattan.

11 Q. Based on your observations of and interactions with
12 Ms. Maxwell and Mr. Epstein, what was your understanding of the
13 nature of their relationship between 1991 and 2004?

14 A. Early on they were romantically involved. And somewhere in
15 between that time period they weren't romantically involved.

16 Q. When Ms. Maxwell was the person to let you know about an
17 upcoming flight on one of Mr. Epstein's planes, how would she
18 contact you to convey that information?

19 A. It could have been by beeper. And then after we got rid of
20 the beepers, it would have been by cell phone.

21 Q. About how far ahead of time did you typically receive
22 notice of an upcoming flight for one of Mr. Epstein's planes?

23 A. It would vary. Usually 24 hours. And it could be even two
24 or three days.

25 Q. To your knowledge, did Mr. Epstein fly exclusively by

LC8VMAX4

Rodgers - direct

1 private plane between 1994 and 2004?

2 A. Almost. But occasionally he would ride on an airline. I
3 mean I can recall dropping him off to take the Concorde to
4 Europe.

5 Q. Were there ever times when Mr. Epstein's private plane was
6 unavailable?

7 A. Yes.

8 Q. Why was that?

9 A. We would have to go down for maintenance every year,
10 usually typically two to three weeks at that time.

11 Q. To your knowledge, did Ms. Maxwell only fly by private
12 plane between 1994 and 2004?

13 A. I'm not --

14 MR. EVERDELL: Objection. Foundation.

15 THE COURT: Sustained.

16 Q. Based on your conversations with Ms. Maxwell, do you have
17 an understanding of whether she only flew by private plane?

18 A. She -- she had a travel air -- a Raytheon Travel Air card
19 that allowed her to use like a charter type of private jet.

20 Q. When you were piloting a flight for Mr. Epstein, typically,
21 what interactions would you have with the passengers?

22 A. When they would get on, you know, you would speak to
23 them -- or you might speak to them, you say hi. But that would
24 be just about it.

25 Q. Between 1991 and 2004, what aircrafts did Jeffrey Epstein

LC8VMAX4

Rodgers - direct

1 own?

2 A. From '91, the first one was a Hawker Siddeley 125 aircraft.
3 The next aircraft was a Gulfstream G2B. After that we had a
4 smaller aircraft, a twin engine, light twin Cessna 421. Then
5 we purchased the Boeing 727.

6 Q. Is that it for that period, '91 to 2004?

7 A. Yes, that's it for that period.

8 Q. On the Gulfstream G2B, what, if any, divider was there
9 between the pilot and the passengers?

10 A. As you walked up the airstairs and made a right to go back
11 to the passenger cabin, you passed through a door that
12 contained a passenger cabin. So that door was always closed
13 from the cockpit or from the flight deck.

14 Q. But during the flights that you piloted on that plane, were
15 you able to observe what the passengers were doing?

16 A. No.

17 Q. And how about on the Boeing, what divider, if any, was
18 there between the pilots and the passengers during flight?

19 A. We had two there. As you walked up the airstairs, if you
20 looked left to the flight deck, the door was closed -- there
21 was a door there that was always closed. And then as you made
22 a right to go back to the forward lounge area, there was
23 another door that you would pass through. So there were
24 literally two doors on that one.

25 Q. Were you able to observe what the passengers were doing on

LC8VMAX4

Rodgers - direct

1 the Boeing during the flights you piloted?

2 A. No.

3 Q. During your time working as a pilot for Mr. Epstein, what,
4 if any, records did you keep about the flights that you
5 piloted?

6 A. We kept a passenger manifest which we filled out after
7 every flight. And then at the end of the day, we had an
8 aircraft log that we put down flight times that we flew on that
9 particular day. And then I also kept a personal logbook.

10 Q. Walking through each of those, starting with the flight log
11 for the plane, what information went into that log?

12 A. Okay. On the passenger manifest you'd have the date, you
13 would have the trip number, you would have the departure, the
14 destination. We had who the passengers were on there, the
15 flight time, I think we also had the amount of fuel we would
16 purchase on there. And then on the aircraft log, it was really
17 for maintenance procedures. It had about engine times,
18 aircraft landings, APU times, stuff like that.

19 Q. What happened to the passenger manifests that you filled
20 out for Jeffrey Epstein's planes?

21 A. Those -- I had those and turned those over to an attorney
22 of Jeffrey's.

23 Q. One of Jeffrey Epstein's attorneys?

24 A. Yes.

25 Q. Did you keep a copy?

LC8VMAX4

Rodgers - direct

1 A. No.

2 Q. Now, you also mentioned a set of records that you kept
3 separately. What was that?

4 A. My logbook.

5 Q. What's a logbook?

6 A. It just shows you the day you flew, the destination you
7 went to, the flight time that you flew on that.

8 Q. What other information about each flight you piloted did
9 you keep in your logbook?

10 A. I kept passenger names also.

11 Q. Now, did that logbook include every flight that each of
12 Mr. Epstein's planes took or only the flights where you were a
13 crew member?

14 A. It was only the flights that I was a crew member.

15 Q. Over the course of your employment for Mr. Epstein, how
16 often were you away from work?

17 A. On average, about five weeks a year, between vacation and
18 training.

19 Q. I'd now like to ask you to please pull out the binder in
20 front of you and take a look at what's been marked for
21 identification as Government Exhibit 662.

22 A. Okay. I have it.

23 Q. Do you recognize that?

24 A. Yes.

25 Q. What is it?

LC8VMAX4

Rodgers - direct

1 A. That's a copy of my logbook.

2 Q. Did you review this before coming to testify here today to
3 make sure that this exhibit is an accurate copy of your
4 logbook?

5 A. Yes, I did.

6 Q. Was each entry in this logbook made at or near the time of
7 the flight reflected in each row?

8 A. Yes, it would have been made at the time that flight was
9 over, probably within 30 minutes of the passengers leaving.

10 Q. Did you keep these records in the course of your regularly
11 conducted activity as a pilot?

12 A. Yes.

13 Q. And was maintaining this logbook a regular practice of that
14 activity?

15 A. Yes.

16 MS. COMEY: Your Honor, the government offers Exhibit
17 662 under seal; and a redacted version, 662-R, for the public.
18 The sealing is for witness and third-party reasons.

19 MR. EVERDELL: No objection.

20 THE COURT: All right. 662 is admitted under seal for
21 the reasons indicated. 662-R is admitted, which is a redacted
22 version.

23 (Government's Exhibits 662, 662-R received in
24 evidence)

25 MS. COMEY: Thank you, your Honor.

LC8VMAX4

Rodgers - direct

1 Ms. Drescher, I'll ask you to please pull up page 1 of
2 662-R.

3 And, your Honor, I would ask that at the same time the
4 jurors be permitted to turn in their binders to the first page
5 of 622.

6 THE COURT: Okay. Jurors, you may -- is it the small
7 binder or the large binder?

8 MS. COMEY: Large binder.

9 THE COURT: Large binder. GX-662, please.

10 MS. COMEY: Before we get to 662, Mr. Rodgers, would
11 you please also look at Government Exhibit 661.

12 THE COURT: But not the jurors yet, please. Just 662
13 for the jurors.

14 MS. COMEY: Withdrawn. 662 is the right exhibit.

15 THE COURT: Okay. So we are staying on 662?

16 MS. COMEY: We are staying on 662, your Honor.

17 THE WITNESS: I'm at 661.

18 BY MS. COMEY:

19 Q. Would you go to 662 for me, Mr. Rodgers. I apologize for
20 that.

21 A. All right. I'm there.

22 Q. Could you please walk us through the columns in this
23 logbook, starting with the far left-hand column that says
24 "date."

25 A. Okay. So the first column says "date." The second column

LC8VMAX4

Rodgers - direct

1 says --

2 Q. Before you move on, what information did you put for each
3 row under the "date" heading?

4 A. I would have the year next to where you see 19. Under
5 that, I would have the month. And if the month changed, if you
6 look further down, I would write the new month. And then the
7 day of the month, which is one number.

8 Q. And could you walk us through the next two column headings,
9 please.

10 A. Okay. The next one is the aircraft make and model. And
11 the next one is the aircraft identification mark, which is the
12 registration number for the aircraft.

13 Q. And do those just tell you what plane you were on?

14 A. Yes, that would tell us what -- which airplane we were on.

15 Q. And then how about the next two columns, what information
16 was contained in those?

17 A. These are the points of departure and arrival. So this is
18 where we're leaving from and where we're going to.

19 Q. And then what is the next column?

20 A. The next column has miles flown. And on this particular
21 one it says "duty time." That pretty much can be ignored.

22 It's not relevant to what we're doing. But the next one is --
23 which is our flight number.

24 Q. What's a flight number?

25 A. That's -- like number one is the very first flight that we

LC8VMAX4

Rodgers - direct

1 took for Jeffrey Epstein.

2 Q. And is that for a particular aircraft?

3 A. Yes. This one would be for the Hawker HS125.

4 Q. And then the next column, "remarks, procedures, maneuvers,
5 endorsements," what did you put in that column?

6 A. I put in that column passenger names.

7 Q. And then the remaining columns on this page, can you just
8 generally tell us what those are.

9 A. Yeah. One of them, it says number of landings; how many
10 landings you did that day. And then the aircraft categories,
11 whether you were flying a single engine or whatever you might
12 be flying. And then there are totals down at the bottom of the
13 page.

14 Q. I want to walk through a couple entries on this page,
15 please. Let's go to the row that has flight number one down at
16 the bottom; four from the bottom, I believe.

17 A. Okay.

18 Q. That row, can you walk us through the date of this flight.

19 A. Yes. This is July 26, 1991.

20 Q. And you're getting July from what part of this page?

21 A. If you look up one, two, three, four, five rows up, you'll
22 see J-U-L there.

23 Q. And you're getting 1991 from what part of this page?

24 A. From the very top of this page.

25 Q. Going back to flight one, can you tell us what aircraft you

LC8VMAX4

Rodgers - direct

1 were on, going to the next two columns?

2 A. Yes. This is the HS125-700. And at the time the
3 registration number was N404CB.

4 Q. Now, in this row there are just two marks.

5 A. Yes. That's just a copy -- it's a ditto of what's above
6 it. And what's above it, you'll see where it turns into
7 HS125-700 and N404CB.

8 Q. Now, let's go to the "from" and "to" columns. Can you walk
9 us through those, please, for flight number one?

10 A. Yes, flight number one, we departed Wilmington, Delaware.
11 And our destination was Teterboro, New Jersey.

12 Q. So what does "TEB" stand for?

13 A. Teterboro, New Jersey.

14 Q. How far is Teterboro, New Jersey from Manhattan?

15 A. It's about 16 miles.

16 Q. And when you flew into Teterboro, New Jersey, what was your
17 understanding of where Jeffrey Epstein was staying?

18 A. When we first started working for him, he lived in an
19 apartment in Manhattan.

20 Q. And now let's move over to the remarks procedures,
21 maneuvers, and endorsements part of this row. Can you tell us
22 what this means.

23 A. Yes. Like, for instance, on flight number one, I think it
24 just says repositioning to Teterboro after closing on the
25 airplane. This is the first flight that we actually own that

LC8VMAX4

Rodgers - direct

1 aircraft.

2 Q. Let's go down, please, to flight number two. Can you walk
3 us through the date of this flight where you're flying from and
4 where you're flying to?

5 A. It's July 26, 1991. We're flying from Teterboro, New
6 Jersey to Palm Beach, Florida.

7 Q. What does "PBI" stand for?

8 A. Palm Beach International.

9 Q. When you were flying to Palm Beach International Airport
10 for Jeffrey Epstein, what was your understanding of where he
11 was staying?

12 A. He had a home located on Palm Beach Island.

13 Q. And then let's go to the passenger column. Was Jeffrey
14 Epstein a passenger on this flight?

15 A. Yes.

16 Q. And was Ghislaine Maxwell a passenger on this flight?

17 A. Yes.

18 Q. And were there two other passengers as well?

19 A. Yes.

20 Q. Stepping back for a second from these records, we'll turn
21 right back to them in a moment, how did you learn the names of
22 the passengers on each flight you piloted?

23 A. It would vary. Sometimes we would be told if the secretary
24 said, You're leaving two days from now and these are your
25 passengers. That didn't always happen, as far as knowing who

LC8VMAX4

Rodgers - direct

1 the passengers were. So sometimes we might get introduced to
2 the passenger by Jeffrey once they got onboard.

3 Q. Did you always know the name of every passenger onboard?

4 A. No.

5 Q. Why not?

6 A. Nobody told us who they were.

7 Q. If there was a passenger onboard and you didn't know that
8 person's name, how did you indicate the presence of that person
9 in your logbook?

10 A. With the industry standard of "PAX," which is abbreviation
11 for passenger. And then later on we further change it from
12 that to either -- the gender, either male or female.

13 Q. I want to go now actually backing up.

14 So is the first time a person's name appears in this
15 logbook necessarily the first time that person was a passenger
16 on one of Mr. Epstein's planes?

17 A. It might not be, because they could have been a PAX on the
18 previous flight because we didn't know their name, and then
19 maybe the next flight we find out who they are.

20 Q. So you wouldn't go back and add in their name?

21 A. No.

22 Q. I'd like to turn now, please, to page 29 of Government
23 Exhibit 662. And there are numbers on the bottom.

24 A. Okay.

25 Q. I want to look at flight number 573, please. Can you

LC8VMAX4

Rodgers - direct

1 please tell us the date of this flight, where you're flying
2 from, and where you're flying to.

3 A. This is August the 18th, 1994. And we're traveling from --
4 departing Aspen, Colorado to Traverse City, Michigan.

5 Q. What plane were you on?

6 A. This is the Gulfstream 2B. And the way you tell that is
7 looking -- just go to the upper part of the column there and
8 you'll see G1159B, which is the technical name, but it's
9 primarily known as a G2B.

10 Q. And for the date here, how do you know that this is August
11 18th, 1994?

12 A. Because in the first column it says 18. And if we move up
13 through probably six or seven rows, you'll see August, A-U-G.
14 And if we move to the very top of the page, you'll see 1994.

15 Q. What does "TVC" stand for?

16 A. Traverse City, Michigan.

17 Q. About how many times do you remember flying Jeffrey Epstein
18 to Traverse City, Michigan during your time as a pilot for him?

19 A. I was -- flew there seven times between 1991 and 1998. The
20 year that we didn't go, I think, was 1995.

21 Q. During about what time of year do you remember all of those
22 flights being?

23 A. They were all August, with one exception. We arrived one
24 time on the 31st of July. But they were typically within the
25 first couple of weeks of August.

LC8VMAX4

Rodgers - direct

1 Q. And when you were at Traverse City, Michigan, do you
2 remember ever going anywhere in particular?

3 A. Yes, went to the Interlochen Center for the Arts.

4 Q. I want to go back to flight number 573.

5 Is Jeffrey Epstein a passenger on that flight?

6 A. Yes.

7 Q. And were there two other passengers as well on that flight?

8 A. Yes.

9 Q. Let's go now to the very next flight, flight 574. What was
10 the date of that flight?

11 A. This is July the 20th, 1994.

12 Q. I'm sorry, you said July the 20th?

13 A. I'm sorry. I'm sorry. August the 20th. My mistake.

14 Q. Of what year?

15 A. Of 1994.

16 Q. Where are you flying from and where are you flying to?

17 A. From Traverse City, Michigan to Teterboro, New Jersey.

18 Q. Was Jeffrey Epstein a passenger on this flight?

19 A. Yes.

20 Q. And was Ghislaine Maxwell a passenger on this flight?

21 A. Yes.

22 Q. Was there also a third passenger?

23 A. Yes.

24 Q. Just to be clear, how do you know that Jeffrey Epstein was
25 a passenger on this flight? What in the logbook tells you

LC8VMAX4

Rodgers - direct

1 that?

2 A. I have his initials in there, "JE."

3 Q. And how about for Ghislaine Maxwell, what in the logbook
4 tells us that?

5 A. I have her initials, "GM."

6 Q. I'd like to --

7 THE COURT: Actually, we'll break for lunch here,
8 Ms. Comey, unless you're on the cusp of finishing.

9 MS. COMEY: No. This is a good stopping point, your
10 Honor. Thank you.

11 THE COURT: All right. Members of the jury, we'll
12 break for lunch. We'll see you in about an hour.

13 (Jury not present)

14 THE COURT: Mr. Rodgers, you may step down for the
15 break. Everyone may be seated.

16 You may head out. Thank you.

17 (Witness not present)

18 THE COURT: Okay. Matters to take up?

19 MS. COMEY: Not from the government, your Honor.

20 MR. EVERDELL: Your Honor, just a procedural point for
21 this witness on cross-examination, and I just noticed it now in
22 the direct.

23 Counsel for the government was referring to certain
24 flights and noting that Epstein and/or Maxwell were on the
25 flights, and then would say "and others," without naming those

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Rodgers - direct

1 individuals. I plan on cross-examining to name individuals
2 that are not going to link up to anybody who needs to be
3 anonymized. The examples we just looked at are perfect
4 examples. I don't see why that's not permissible.

5 THE COURT: I was going to say, this struck me as
6 overly redacted in any number of ways, including from the fact
7 that you read from parts that are redacted. So I recognize
8 it's labor, but this needs to be more narrowly tailored. I
9 don't know why it wouldn't be permissible.

10 MR. EVERDELL: That's my understanding too, your
11 Honor.

12 MS. COMEY: Your Honor, there was no particular reason
13 why I wasn't referencing the names of those other people other
14 than I didn't think that they were relevant to the question I
15 was asking.

16 So I have no objection to Mr. Everdell saying the
17 names of other individuals, except for obviously those who have
18 been granted anonymity by the Court.

19 I also understand the Court's view on narrowly
20 tailoring these redactions. That will be very time-intensive,
21 your Honor. I would ask for permission to do that over the
22 long weekend break that we have coming up.

23 THE COURT: Okay. That's fine. Let's do that.

24 Relatedly, the message pads, I think you only have one
25 or two unredacted exemplars, but most of those -- other than

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Rodgers - direct

1 the -- for example -- sometimes, for example, it said just
2 Carolyn, so that doesn't need to be redacted at all. In other
3 instances, the last name would need to be redacted.

4 MS. COMEY: So, your Honor, the thinking was that
5 there's phone numbers for not only Carolyn, but also a number
6 of third parties.

7 THE COURT: We could do redactions of the last four,
8 for example. Again, I understand it's labor, but do it now or
9 do it later and, it seems to me, better to do it now.

10 MS. COMEY: Yes, your Honor.

11 May we have the long weekend coming up as well to
12 complete those redactions please?

13 THE COURT: Yes.

14 MS. COMEY: Thank you, your Honor.

15 MR. EVERDELL: One other choreography point just for
16 purposes of cross, we do have folders for the jury. I could
17 put it under their chairs now, as long as they are instructed
18 not to look at them.

19 MS. COMEY: No objection.

20 THE COURT: Okay.

21 Have you looked at the *in limine* instruction?

22 MR. ROHRBACH: Yes, the government has no objection.

23 MR. EVERDELL: Your Honor, actually if we could take
24 that up when we return from the lunch break.

25 THE COURT: Okay. That's fine.

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Rodgers - direct

1 And then I don't know if you've conferred on 52. I'll
2 obviously consider any argument; but, among other things, if
3 it's premised on Mr. Alessi's testimony, the defense had no
4 opportunity to cross-examine him, so even -- am I
5 misunderstanding?

6 MS. COMEY: Your Honor, I don't --

7 THE COURT: I had understood Mr. Rohrbach to indicate
8 that there was going to be a briefing tonight on Government
9 Exhibit 52.

10 MS. COMEY: Yes, your Honor. I just didn't understand
11 the point that the defense didn't have the opportunity to
12 cross-examine Mr. Alessi. I think there was extensive
13 examination of Mr. Alessi and voir dire on Government Exhibit
14 52, as I recall.

15 (Continued on next page)

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LC8Cmax5

Rodgers - direct

1 THE COURT: I'll consider it after you confer, but you
2 know where it was. And that's all I have.

3 MR. PAGLIUCA: Your Honor, on that point, I'm assuming
4 what the Court means is if there is a new issue raised that
5 wasn't raised during the examination is the problem. Is that
6 what the Court is alluding to?

7 THE COURT: Having not admitted it pending what all
8 along had been the government's proffer as to the anticipated
9 testimony of an anticipated witness, I didn't admit it
10 following Mr. Alessi's testimony. It's true that there was
11 voir dire on it, but I don't know what new argument will be
12 asserted, and it strikes me that the fact that it -- whatever
13 argument is being made in the absence of the witness could be
14 an issue.

15 MR. PAGLIUCA: Right. That's what I understand. That
16 was my understanding. I get it.

17 THE COURT: I'm open to arguments. Obviously, both
18 sides have reargued many issues and I keep an open mind.

19 Anything else?

20 MS. COMEY: Not from the government, your Honor.

21 MR. PAGLIUCA: Nothing from the defense, your Honor.

22 (Recess)
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LC8Cmax5

Rodgers - direct

AFTERNOON SESSION

1:54 p.m.

(Jury not present)

(Witness not present)

THE COURT: Matters to take up?

MS. COMEY: Nothing from the government, your Honor.

MR. EVERDELL: We've not had the chance to confer with the government on this, but there is one proposed edit or two proposed edits to the limiting instruction. If you give us a minute, we can try to confer briefly.

THE COURT: Sure. Go ahead.

MR. EVERDELL: Your Honor, sorry about that. We have conferred and I think we have agreement on the language.

THE COURT: Okay.

MR. EVERDELL: There is just two edits to the Court's -- proposed two edits to the Court's proposed instruction. I'll just read it from the beginning. It says, "Now, I anticipate that you will hear testimony from the next witness about it..." and here's the first change, change from "sexual conduct" to "physical contact."

THE COURT: Okay.

MR. EVERDELL: "That she says she had with Mr. Epstein in New Mexico. I instruct you that the..." and here's the second change, "...alleged physical contact she says occurred with Mr. Epstein in New Mexico was not, quote, illegal sexual

LC8Cmax5

Rodgers - direct

1 activity, unquote, as the government has charged in the
2 indictment.

3 I won't read the rest, your Honor. The rest is as is.

4 MS. COMEY: That's fine with us, your Honor.

5 THE COURT: Great. I accept that and will give
6 that -- and I propose that the timing would be the same as with
7 the prior witness with the limiting instruction?

8 MS. COMEY: Yes, your Honor.

9 MR. EVERDELL: Sorry. One more moment, your Honor.

10 We have agreement again, your Honor.

11 THE COURT: It's a magical moment.

12 MR. EVERDELL: It is a magical moment. I agree with
13 you. Let's hold onto this.

14 So the changes I read remain, but I will read the
15 first sentence again.

16 "I anticipate that you will hear testimony from the
17 next witness about physical contact that she says she had with
18 Mr. Epstein and Ms. Maxwell in New Mexico. I instruct you that
19 the alleged physical contact she says occurred with Mr. Epstein
20 and Ms. Maxwell in New Mexico was not illegal sexual activity."
21 The rest is the same.

22 MS. COMEY: That's fine with us, your Honor.

23 THE COURT: Great. Thank you. That makes good sense.

24 On this issue, and there is a 412 issue that we had
25 discussed -- let me talk to you at sidebar, that goes to

LC8Cmax5

Rodgers - direct

1 whether there is a dispute as to the scope of what will be
2 explored.

3 (Continued on next page)

4 (Pages 1838-1843 SEALED)

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LC8Cmax5

Rodgers - direct

1 (In Open court)

2 THE COURT: Any other matters to take up?

3 MS. COMEY: No, your Honor.

4 MR. EVERDELL: No, your Honor.

5 THE COURT: Okay. We can bring in the jury.

6 We can have the witness back.

7 Good afternoon, Mr. Rodgers. You may take your seat

8 and you may remove your mask.

9 Bring in the jury.

10 (Continued on next page)

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LC8Cmax5

Rodgers - direct

1 (Jury present)

2 THE COURT: Thank you, members of the jury. Hope you
3 had a pleasant lunch.

4 We will continue, Ms. Comey, with your direct
5 examination of Mr. Rodgers.

6 Mr. Rodgers, I do remind you, you are under oath.

7 You may inquire.

8 MS. COMEY: Thank you, your Honor.

9 BY MS. COMEY:

10 Q. Good afternoon, Mr. Rodgers.

11 A. Good afternoon.

12 Q. How many female passengers on Mr. Epstein's planes, if any,
13 do you recall who you understood attended Interlochen?

14 A. One.

15 Q. Do you know that person's name, without saying it, do you
16 know that person's name?

17 A. Yes.

18 Q. I'd like you to please turn in the binder in front of you
19 to what's in evidence as Government Exhibit 12. Without saying
20 the name out loud, would you please look at the first and last
21 name on that exhibit.

22 A. Yes.

23 Q. Is that the full name of the passenger on Mr. Epstein's
24 plane who you understood attended Interlochen?

25 A. Yes, it is.

LC8Cmax5

Rodgers - direct

1 Q. I'm going to refer to her as Jane and I would ask that you
2 do the same.

3 A. Okay.

4 Q. You can set that aside for now.

5 Mr. Rodgers, about when do you remember first meeting
6 Jane?

7 A. I believe that was November the 11th, 1996.

8 Q. Backing up, what do you remember about meeting her?

9 A. She was a passenger on our flight.

10 Q. And who do you remember Jane flying with?

11 A. She's flown with Jeffrey Epstein, Ghislaine Maxwell, and
12 other people, as well.

13 Q. About how many times do you remember seeing Jane as a
14 passenger on one of Mr. Epstein's planes?

15 A. Four times.

16 Q. I'd like to turn back to Government Exhibit 662, please.

17 MS. COMEY: Your Honor, I'd ask that the jurors also
18 turn in their binders to that exhibit.

19 THE COURT: Jurors, you may look at GX662. Large
20 binder?

21 MS. COMEY: Yes. Ms. Drescher, would you please pull
22 that up, as well. We're going to go to page 44.

23 THE COURT: You mean pull up 662R?

24 MS. COMEY: Yes, your Honor. Thank you. 662R.

25 Q. Again, Mr. Rodgers, we're going to page 44 of this exhibit.

LC8Cmax5

Rodgers - direct

1 A. Okay.

2 Q. I'll direct your attention to flight number 916.

3 A. Okay.

4 Q. Just want to make sure everyone has gotten there.

5 Mr. Rodgers, turning to flight number 916, can you
6 tell us the date of this flight, please.

7 A. It's November the 11th, 1996.

8 Q. And how do you know it's November, looking at this?

9 A. If you look up above the 11, you'll see November, N-O-V.
10 And then at the very top of the page, you'll see 1996.

11 Q. What plane were you flying?

12 A. This is the Gulf Stream G2B.

13 Q. Where were you flying from and where were you flying to?

14 A. Flying from Palm Beach, Florida, to Teterboro, New Jersey.

15 Q. Is Jeffrey Epstein a passenger on this flight?

16 A. Yes.

17 Q. Is Jane a passenger on this flight?

18 A. Yes.

19 Q. And do you see just her first name written in the column
20 where the passengers are?

21 A. Yes.

22 Q. And are there a number of other passengers on this flight?

23 A. Yes.

24 Q. I'd like to go to the very next flight. What's the date of
25 the next flight?

LC8Cmax5

Rodgers - direct

1 A. Next flight is November the 15th, 1996.

2 Q. Where were you flying from and where were you flying to?

3 A. Teterboro, New Jersey, to Columbus, Ohio.

4 Q. Is Jeffrey Epstein on this flight?

5 A. Yes.

6 Q. Is Ghislaine Maxwell on this flight?

7 A. Yes.

8 Q. Is Jane on this flight?

9 A. No.

10 Q. Are there some other passengers on this flight?

11 A. Yes.

12 Q. Before we turn to the next page, just a question about Palm
13 Beach International Airport. When you were flying out of that
14 airport, what, if any, local employees of Mr. Epstein's do you
15 remember driving passengers to the plane?

16 A. Juan Alessi.

17 Q. Who was Juan Alessi?

18 A. He was the house manager for Jeffrey's house in Palm Beach.

19 Q. And for about how long did Juan Alessi work for Mr. Epstein
20 in Palm Beach?

21 A. Approximately 12 years.

22 Q. And was that in the 1990s and early 2000s?

23 A. Yes.

24 MR. EVERDELL: Objection. Leading.

25 THE COURT: I'll allow it, but --

LC8Cmax5

Rodgers - direct

1 MS. COMEY: Understood, your Honor.

2 Q. Where would you see Mr. Alessi when you were flying out of
3 Palm Beach?

4 A. He would drive the car up to the airplane with passengers
5 to either drop them off or to pick them up.

6 Q. I want to go now, please, to page 48 of this same exhibit.
7 I would like to direct your attention to flight 979.

8 A. Okay.

9 Q. Can you tell us, please, the date of this flight.

10 A. This is May the 9th, 1997.

11 Q. Where are you getting May and '97 from?

12 A. May is at the top of the column and '97 is just above it.

13 Q. Where were you flying from and where were you flying to?

14 A. From Teterboro, New Jersey, to Santa Fe, New Mexico.

15 Q. When you flew to Santa Fe, New Mexico, what's your
16 understanding of where Jeffrey Epstein was staying?

17 A. He stayed at his Zorro Ranch.

18 Q. Is Jeffrey Epstein a passenger on this flight?

19 A. Yes.

20 Q. Is Ghislaine Maxwell a passenger on this flight?

21 A. Yes.

22 Q. Is Jane a passenger on this flight?

23 A. Yes.

24 Q. Is there anyone else who was a passenger on this flight?

25 A. No.

LC8Cmax5

Rodgers - direct

1 Q. I'd like to go to the very next flight, please. Would you
2 please walk us through the date of that flight.

3 A. So May the 12th, 1997.

4 Q. Where were you flying from and to?

5 A. Santa Fe, New Mexico, to Van Nuys, California.

6 Q. Who was the only passenger?

7 A. Jeffrey Epstein.

8 Q. I'd like to turn now, please, to page 55. Flight 1105 down
9 at the bottom of the page.

10 A. Okay.

11 Q. Can you tell us the date of this flight, please.

12 A. This is May the 3rd, 1998.

13 Q. Where are you flying from and where are you flying to?

14 A. Palm Beach, Florida, to Teterboro, New Jersey.

15 Q. Is Jeffrey Epstein a passenger on this flight?

16 A. Yes.

17 Q. Is Ghislaine Maxwell a passenger on this flight?

18 A. Yes.

19 Q. Is Jane a passenger on this flight?

20 MR. EVERDELL: Objection.

21 THE COURT: Overruled.

22 A. Yes.

23 Q. Is it just her first name indicated on this flight log for
24 this entry?

25 A. Yes.

LC8Cmax5

Rodgers - direct

1 Q. Are there a number of other passengers on this flight?

2 A. Yes.

3 Q. I'd like to go to the very next flight, please, 1106.

4 Would you walk us through the date of that flight, please.

5 A. It's May the 5th, 1998.

6 Q. Where are you flying from and to?

7 A. Teterboro, New Jersey, to Bedford, Massachusetts.

8 Q. And is Jeffrey Epstein a passenger on this flight?

9 A. Yes.

10 Q. Is there one other passenger on this flight?

11 A. Yes.

12 Q. I'd like to go now, please, back to page 40. I'd like to
13 direct your attention to flight number 818. Can you tell us
14 the date of this flight.

15 A. This is March the 29th, 1996.

16 Q. Where are you flying from and to?

17 A. Van Nuys, California, to Santa Fe, New Mexico.

18 Q. And who is the only passenger on this flight?

19 A. Jeffrey Epstein.

20 Q. What is the number of the very next flight after 818?

21 A. 821.

22 Q. Why the skip from 818 to 821?

23 A. I'm not on that flight.

24 Q. So for flights 819 and 820, were you piloting those next
25 two flights?

LC8Cmax5

Rodgers - direct

1 A. No.

2 Q. Let's go now to flight 821. What's the date of that
3 flight?

4 A. This is April the 8th, 1996.

5 Q. Where are you flying from and to?

6 A. Palm Beach, Florida, to Teterboro, New Jersey.

7 Q. Is Jeffrey Epstein a passenger on this flight?

8 A. Yes.

9 Q. Is Ghislaine Maxwell a passenger on this flight?

10 A. Yes.

11 Q. Are there multiple other passengers on this flight?

12 A. Yes.

13 Q. Now let's go, please, to page 41. I'll direct you to
14 flight 844 close to the bottom of the page, please.

15 A. Okay.

16 Q. What's the date of this flight?

17 A. This is May 22nd, 1996.

18 Q. Where are you flying from and where are you flying to?

19 A. Teterboro, New Jersey, to Santa Fe, New Mexico.

20 Q. Who are the only two passengers on this flight?

21 A. Jeffrey Epstein, Ghislaine Maxwell.

22 Q. What is the very next flight that date?

23 A. The 24th of May 1996.

24 Q. Where are you flying from and where are you flying to?

25 A. Santa Fe, New Mexico, to Palm Beach, Florida.

LC8Cmax5

Rodgers - direct

1 Q. Who are the only two passengers on that flight?

2 A. Jeffrey Epstein and Ghislaine Maxwell.

3 Q. I'd like to go now, please, to page 48. I'll direct you to
4 flight 976 up close to the top.

5 A. Okay.

6 Q. What is the date of this flight?

7 A. This is May 5th, 1997.

8 Q. Where were you flying from and to?

9 A. From Geneva, Switzerland, to Paris, France.

10 Q. And who is the only passenger on this flight?

11 A. Jeffrey Epstein.

12 Q. What was your understanding of where Jeffrey Epstein was
13 staying when you flew into Paris, France?

14 A. He had an apartment in Paris, France.

15 Q. And would you walk us through the very next flight, please,
16 starting with the date.

17 A. May 6th, 1997.

18 Q. Where are you flying from and to?

19 A. Paris, France, to Stephenville, Canada.

20 Q. Are the only two passengers on this flight, Jeffrey Epstein
21 and Ghislaine Maxwell?

22 A. Yes.

23 Q. I'd like to go now, please, to page 85. I'm going to
24 direct you near the center of the page to flight 1.

25 A. Okay.

LC8Cmax5

Rodgers - direct

1 Q. Why have the numbers restarted at 1?

2 A. This is our first trip in the Boeing 727.

3 Q. How do you know you're flying the Boeing?

4 A. Because under the aircraft make and model, it says B727-31.

5 Q. So why did you restart the numbers?

6 A. Because we wanted to keep the numbering going for the Gulf
7 Stream, and so we began all over with the Boeing starting at
8 number 1.

9 Q. Did you continue flying the Gulf Stream, though?

10 A. Yes.

11 Q. How did you handle the numbering for the Gulf Stream?

12 A. In sequential order. It continued on.

13 Q. Let's turn to page 87, then, to take a look. Here we have
14 a flight 24, and then what's the very next flight after flight
15 24?

16 A. After 24 is 1538.

17 Q. Why the big jump?

18 A. Because we were in the Boeing on flight 24, and on 1538,
19 we're in the Gulf Stream.

20 Q. How can you tell that?

21 A. Because under the aircraft make and model, it has G1159B.

22 Q. I'd like to go now, please, to page 78. We'll look at
23 flight 1433. What is the date of this flight?

24 A. 1433 is December the 11th, 2000.

25 Q. How can you tell it's December 11, 2000?

LC8Cmax5

Rodgers - direct

1 A. Well, the first column has 11, and if we go up a few rows
2 higher, you're going to see December, D-E-C, and then at the
3 top of the page, you'll see 2000.

4 Q. Where were you flying from and where were you flying to?

5 A. Palm Beach, Florida, to Teterboro, New Jersey.

6 Q. Was Jeffrey Epstein a passenger on this flight?

7 A. Yes.

8 Q. Was Ghislaine Maxwell a passenger on this flight?

9 A. Yes.

10 Q. And then were two other passengers on this flight?

11 A. Yes.

12 Q. Was one of them named Virginia?

13 A. Yes.

14 Q. Is that the name included in this entry for this flight,
15 just the first name?

16 A. Yes, just the first name.

17 Q. Who is Virginia?

18 A. That was Virginia Roberts.

19 Q. About when do you remember meeting Virginia Roberts?

20 A. On that day.

21 Q. In 2000?

22 A. In 2000.

23 Q. About how many times do you remember Virginia Roberts
24 flying on Jeffrey Epstein's private planes?

25 A. 32 times.

LC8Cmax5

Rodgers - direct

1 MS. COMEY: Ms. Drescher, would you please pull up
2 what's in evidence as Government Exhibit 113.

3 Q. Mr. Rodgers, do you recognize the person in that
4 photograph?

5 A. Yes, that's Virginia Roberts.

6 MS. COMEY: We can take that down. Thank you,
7 Ms. Drescher.

8 Q. I'd like to go now, staying on page 78, down to flight
9 1434. What's the date of this flight?

10 A. This is December the 14th, 2000.

11 Q. And again, we're in Government Exhibit 662. Where were you
12 flying from and where were you flying to?

13 A. Teterboro, New Jersey, to St. Thomas, U.S. Virgin Islands.

14 Q. What does TIST stand for?

15 A. That's the airport identifier for the St. Thomas airport.

16 Q. When you flew Jeffrey Epstein to that airport, what was
17 your understanding of where he was staying?

18 A. He owned an island that was nearby.

19 Q. Was Jeffrey Epstein a passenger on this flight?

20 A. Yes.

21 Q. Was Ghislaine Maxwell a passenger on this flight?

22 A. Yes.

23 Q. Was Virginia Roberts a passenger on this flight?

24 A. Yes.

25 Q. Was there also one other passenger?

LC8Cmax5

Rodgers - direct

1 A. Yes.

2 Q. Let's go to the very next page, please, page 79. Looking
3 at flight 1444, what was the date of this flight?

4 A. January the 26th, 2001.

5 Q. Where were you flying from and where were you flying to?

6 A. Teterboro, New Jersey, to Palm Beach, Florida.

7 Q. Was Jeffrey Epstein a passenger on this flight?

8 A. Yes.

9 Q. Was Ghislaine Maxwell a passenger on this flight?

10 A. Yes.

11 Q. Was Virginia Roberts a passenger on this flight?

12 A. Yes.

13 Q. Was there also one other passenger?

14 A. Yes.

15 Q. And does this entry for this flight have Virginia Roberts'
16 full name?

17 A. Yes.

18 MS. COMEY: May I have a moment, your Honor?

19 THE COURT: You may.

20 MS. COMEY: Thank you.

21 Q. Let's stay on this page now and go down to flight 1445.
22 What's the date of this flight?

23 A. This is January the 29th of 2001.

24 Q. Where are you flying from and where are you flying to?

25 A. Palm Beach, Florida, to St. Thomas, U.S. Virgin Islands.

LC8Cmax5

Rodgers - direct

1 Q. Is Jeffrey Epstein a passenger on this flight?

2 A. Yes.

3 Q. Is Ghislaine Maxwell a passenger on this flight?

4 A. Yes.

5 Q. Is Virginia Roberts a passenger on this flight?

6 A. Yes.

7 Q. Is her full name in this entry?

8 A. Yes.

9 Q. And is there one other passenger?

10 A. Yes.

11 Q. Let's go to the very next flight, please, 1446. What's the
12 date of that?

13 A. This is January the 30th, 2001.

14 Q. Where were you flying from and where were you flying to?

15 A. St. Thomas, U.S. Virgin Islands, to Palm Beach, Florida.

16 Q. Was Jeffrey Epstein a passenger on this flight?

17 A. Yes.

18 Q. Was Ghislaine Maxwell a passenger on this flight?

19 A. Yes.

20 Q. Was Virginia Roberts a passenger on this flight?

21 A. Yes.

22 Q. Is her full name in this entry?

23 A. Yes.

24 Q. And was there another passenger on this flight?

25 A. Yes.

LC8Cmax5

Rodgers - direct

1 Q. Let's turn to the next page, please, page 80. I'll direct
2 you to flight number 1464. What was the date of this flight?

3 A. March the 5th, 2001.

4 Q. Where were you flying from and where were you flying to?

5 A. Palm Beach, Florida, to Stephenville, Canada.

6 Q. Was Jeffrey Epstein a passenger on this flight?

7 A. Yes.

8 Q. Was Ghislaine Maxwell a passenger on this flight?

9 A. Yes.

10 Q. Was Virginia Roberts a passenger on this flight?

11 A. Yes.

12 Q. Is her full name in this entry?

13 A. Yes.

14 Q. And was there another passenger on this flight?

15 A. Yes.

16 Q. Let's go to the very next flight, please. What was the
17 date of that?

18 A. This is March the 6th, 2001.

19 Q. Are where are you flying from and where are you flying to?

20 A. Stephenville, Canada, to Paris, France.

21 Q. Was Jeffrey Epstein on this flight?

22 A. Yes.

23 Q. Was Ghislaine Maxwell on this flight?

24 A. Yes.

25 Q. Was Virginia Roberts on this flight?

LC8Cmax5

Rodgers - direct

1 A. Yes.

2 Q. How did you indicate that Virginia Roberts was on that
3 flight in this entry?

4 A. With her initials.

5 Q. Which are?

6 A. VR.

7 Q. And was there another person on this flight?

8 A. Yes.

9 Q. I'd like to go to the very next flight, please. Would you
10 please tell us the date.

11 A. This is March the 8th, 2001.

12 Q. Where were you flying from and to?

13 A. From Paris, France, to Granada, Spain.

14 Q. Is Jeffrey Epstein a passenger on this flight?

15 A. Yes.

16 Q. Is Ghislaine Maxwell a passenger on this flight?

17 A. Yes.

18 Q. Is Virginia Roberts a passenger on this flight?

19 A. Yes.

20 Q. And are there multiple other passengers on this flight?

21 A. Yes.

22 Q. I'd like to go to the very next flight, please. What's the
23 date?

24 A. March the 8th, 2001.

25 Q. Where are you flying from and to?

LC8Cmax5

Rodgers - direct

1 A. Flying from Granada, Spain, to Tangiers, Morocco.

2 Q. Is Jeffrey Epstein a passenger on it this flight?

3 A. Yes.

4 Q. Is Ghislaine Maxwell a passenger on it flight?

5 A. Yes.

6 Q. Is Virginia Roberts a passenger on this flight?

7 A. Yes.

8 Q. Are there multiple other passengers?

9 A. Yes.

10 Q. Let's go to the next flight. What's the date?

11 A. This is March 9th, 2001.

12 Q. Where are you flying from and to?

13 A. Tangier, Morocco, to Luton, England.

14 Q. Is Jeffrey Epstein a passenger on this flight?

15 A. Yes.

16 Q. Is Ghislaine Maxwell a passenger on this flight?

17 A. Yes.

18 Q. Is Virginia Roberts on this flight?

19 A. Yes.

20 Q. And is there one other passenger?

21 A. Yes.

22 Q. Let's go to the very next flight, what's the date of that
23 flight?

24 A. March the 11th, 2001.

25 Q. Where are you flying from and to?

LC8Cmax5

Rodgers - direct

1 A. Luton, England, to Bangor, Maine.

2 Q. Is Jeffrey Epstein a passenger on this flight?

3 A. Yes.

4 Q. Is Ghislaine Maxwell a passenger on this flight?

5 A. Yes.

6 Q. Is Virginia Roberts a passenger on this flight?

7 A. Yes.

8 Q. And is there one other passenger?

9 A. Yes.

10 Q. Let's go to the very next flight on this page, please.

11 A. That's March the 11th, 2001.

12 Q. Where are you flying from and to?

13 A. Bangor, Maine, to Teterboro, New Jersey.

14 Q. Is Jeffrey Epstein a passenger on this flight?

15 A. Yes.

16 Q. Is Ghislaine Maxwell a passenger on this flight?

17 A. Yes.

18 Q. Is Virginia Roberts a passenger on this flight?

19 A. Yes.

20 Q. And is there one other passenger on this flight?

21 A. Yes.

22 Q. Before we leave this page, up at entry 1466, the March 8th,
23 2001, is there an entry for one female?

24 A. Yes.

25 Q. What does that mean?

LC8Cmax5

Rodgers - direct

1 A. There was one female on board that we didn't know her name.

2 Q. Let's go to the next page, please, page 81. I'd like to go
3 to flight 1478. What's the date of this flight?

4 A. This is March the 27th, 2001.

5 Q. Where were you flying from and to?

6 A. Palm Beach, Florida, to Teterboro, New Jersey.

7 Q. Is Jeffrey Epstein a passenger on this flight?

8 A. Yes.

9 Q. Is Ghislaine Maxwell a passenger on this flight?

10 A. Yes.

11 Q. Is Virginia Roberts a passenger on this flight?

12 A. Yes.

13 Q. And are there multiple other passengers on this flight?

14 A. Yes.

15 Q. There is an entry that says two females. What does that
16 mean?

17 A. There were two females on board that we didn't know their
18 names.

19 Q. Let's go to the very next flight, please. Would you tell
20 us the date?

21 A. This is March the 29th, 2001.

22 Q. Where are you flying from and to?

23 A. Teterboro, New Jersey, to Santa Fe, New Mexico.

24 Q. Is Jeffrey Epstein a passenger on this flight?

25 A. Yes.

LC8Cmax5

Rodgers - direct

1 Q. Is Ghislaine Maxwell a passenger on this flight?

2 A. Yes.

3 Q. Is Virginia Roberts a passenger on this flight?

4 A. Yes.

5 Q. And are there other multiple passengers on this flight?

6 A. Yes.

7 Q. Let's go to the very next entry, please. Would you tell us
8 the date?

9 A. March 31st, 2001.

10 Q. Where are you flying from and to?

11 A. Santa Fe, New Mexico, to Palm Beach, Florida.

12 Q. Is Jeffrey Epstein a passenger on this flight?

13 A. Yes.

14 Q. Is Ghislaine Maxwell a passenger on this flight?

15 A. Yes.

16 Q. Is Virginia Roberts a passenger on this flight?

17 A. Yes.

18 Q. Is Jane a passenger on this flight?

19 A. Yes.

20 Q. And is her full name included in this entry?

21 A. Yes.

22 Q. And are there other passengers on this flight?

23 A. Yes.

24 Q. Let's go now to page 82, please. Up at the top or close to
25 the top, I'd like to do entry 1488, please. Would you tell us

LC8Cmax5

Rodgers - direct

1 the date of that flight?

2 A. April the 9th, 2001.

3 Q. Where are you flying from and to?

4 A. Palm Beach, Florida, to Atlantic City, New Jersey.

5 Q. Is Jeffrey Epstein a passenger on this flight?

6 A. Yes.

7 Q. And is Virginia Roberts a passenger on this flight?

8 A. Yes.

9 Q. Are there other passengers on this flight, as well?

10 A. Yes.

11 Q. Let's go to the next flight. What's the date of that
12 flight?

13 A. April 9th, 2001.

14 Q. Where are you flying from and to?

15 A. Atlantic City, New Jersey, to Teterboro, New Jersey.

16 Q. Is Jeffrey Epstein a passenger on this flight?

17 A. Yes.

18 Q. Is Virginia Roberts a passenger on this flight?

19 A. Yes.

20 Q. And are there multiple other passengers?

21 A. Yes.

22 Q. Let's go to the very next flight, please. What's the date?

23 A. This is April the 11th, 2001.

24 Q. Where are you flying from and to?

25 A. Teterboro, New Jersey, to St. Thomas, U.S. Virgin Islands.

LC8Cmax5

Rodgers - direct

1 Q. Is Jeffrey Epstein a passenger on this flight?

2 A. Yes.

3 Q. Is Ghislaine Maxwell a passenger on this flight?

4 A. Yes.

5 Q. And is Virginia Roberts a passenger on this flight?

6 A. Yes.

7 Q. Are there multiple other passengers?

8 A. Yes.

9 Q. Let's go to the very next flight, please. What's the date?

10 A. It's April the 16th, 2001.

11 Q. Where are you flying from and to?

12 A. St. Thomas, U.S. Virgin Islands, to Palm Beach, Florida.

13 Q. Is Jeffrey Epstein a passenger on this flight?

14 A. Yes.

15 Q. Is Ghislaine Maxwell a passenger on this flight?

16 A. Yes.

17 Q. Is Virginia Roberts a passenger on this flight?

18 A. Yes.

19 Q. And are there multiple other passengers on this flight?

20 A. Yes.

21 Q. I'd like to jump down on this page now, please, to flight
22 1501 near the bottom. What's the date of that flight?

23 A. This is May the 3rd, 2001.

24 Q. Where are you flying from and to?

25 A. From Addison, Texas, to San Antonio, Texas.

LC8Cmax5

Rodgers - direct

1 Q. Is Jeffrey Epstein a passenger on this flight?

2 A. Yes.

3 Q. Is Virginia Roberts a passenger on this flight?

4 A. Yes.

5 Q. Are there any other passengers on this flight?

6 A. No.

7 Q. Let's go to the very next flight, please. What's the date?

8 A. May the 5th, 2001.

9 Q. Where are you flying from and to?

10 A. San Antonio, Texas, to Palm Beach, Florida.

11 Q. Who are the only two passengers on this flight?

12 A. Jeffrey Epstein and Virginia Roberts.

13 Q. Let's go to the next page, please, down to flight 1506 near
14 the middle of the page. Would you tell us the date of this
15 flight, please?

16 A. This is May the 14th, 2001.

17 Q. Where are you flying from and to?

18 A. St. Thomas, U.S. Virgin Islands, to Teterboro, New Jersey.

19 Q. Is Jeffrey Epstein a passenger on this flight?

20 A. Yes.

21 Q. Is Ghislaine Maxwell a passenger on this flight?

22 A. Yes.

23 Q. Is Virginia Roberts a passenger on this flight?

24 A. Yes.

25 Q. Are there multiple other passengers?

LC8Cmax5

Rodgers - direct

1 A. Yes.

2 Q. And is one of those entries one female?

3 A. Yes.

4 Q. What does that mean?

5 A. There was a female on board that we don't know their name.

6 Q. Let's turn to the next page, please, page 84. I'd like to
7 look at flight 1510. Would you please tell us the date of that
8 flight.

9 A. This is June the 3rd, 2001.

10 Q. Where are you flying from and to?

11 A. Palm Beach, Florida, to St. Thomas U.S. Virgin Islands.

12 Q. Is Jeffrey Epstein a passenger on this flight?

13 A. Yes.

14 Q. Is Virginia Roberts a passenger on this flight?

15 A. Yes.

16 Q. And is there another passenger on this flight?

17 A. Yes.

18 Q. Let's go now to the very next flight. Would you tell us
19 the date.

20 A. This is June the 5th, 2001.

21 Q. Where are you flying from and to?

22 A. St. Thomas, U.S. Virgin Islands, to Teterboro, New Jersey.

23 Q. Is Jeffrey Epstein a passenger on this flight?

24 A. Yes.

25 Q. Is Virginia Roberts a passenger on this flight?

LC8Cmax5

Rodgers - direct

1 A. Yes.

2 Q. And is there one other passenger on this flight?

3 A. Yes.

4 Q. Let's go down to flight 1525, please, down at the bottom of
5 this same page. What is the date of this flight?

6 A. This is July the 8th, 2001.

7 Q. Where are you flying from and to?

8 A. Palm Beach, Florida, to Teterboro, New Jersey.

9 Q. Is Jeffrey Epstein a passenger on this flight?

10 A. Yes.

11 Q. Is Ghislaine Maxwell a passenger on this flight?

12 A. Yes.

13 Q. Is Virginia Roberts a passenger on this flight?

14 A. Yes.

15 Q. And are there multiple other passengers on this flight?

16 A. Yes.

17 Q. Let's go to the very next flight, please. What's the date?

18 A. It's July the 11th, 2001.

19 Q. Where are you flying from and to?

20 A. Teterboro, New Jersey, to Cahokia, Illinois.

21 Q. Is Jeffrey Epstein a passenger on this flight?

22 A. Yes.

23 Q. Is Ghislaine Maxwell a passenger on this flight?

24 A. Yes.

25 Q. Is Virginia Roberts a passenger on this flight?

LC8Cmax5

Rodgers - direct

1 A. Yes.

2 Q. And is there one other passenger on this flight?

3 A. Yes.

4 Q. I'd like to go to the next page, please. Let's go to
5 flight 1528. What's the date of that flight?

6 A. This is July the 16th, 2001.

7 Q. Where are you flying from and to?

8 A. Santa Fe, New Mexico, to Teterboro, New Jersey.

9 Q. Is Jeffrey Epstein a passenger on this flight?

10 A. Yes.

11 Q. Ghislaine Maxwell a passenger on this flight?

12 A. Yes.

13 Q. Is Virginia Roberts a passenger on this flight?

14 A. Yes.

15 Q. Is there one other passenger on this flight?

16 A. Yes.

17 Q. Finally, let's go, please, to flight 1531 on the same page.
18 What's the date?

19 A. July the 28th, 2001.

20 Q. Where are you flying from and to?

21 A. St. Thomas, U.S. Virgin Islands, to Palm Beach, Florida.

22 Q. Who are the only two passengers on this flight?

23 A. Jeffrey Epstein, Virginia Roberts.

24 MS. COMEY: May I have a moment, your Honor?

25 THE COURT: You may.

LC8Cmax5

Rodgers - direct

1 MS. COMEY: Your Honor, at this time, I would ask that
2 the jurors please be directed to turn to Government Exhibit 14.

3 THE COURT: Mr. Everdell, GX14.

4 MS. COMEY: Which is in evidence.

5 MR. EVERDELL: One moment, your Honor.

6 THE COURT: Just a second, members of the jury.

7 MR. EVERDELL: No objection.

8 THE COURT: You may turn in the large binder to GX14,
9 please.

10 MS. COMEY: I would just ask that the jurors direct
11 their attention to the child's name entry, and then the date of
12 birth entry.

13 THE COURT: Okay.

14 MS. COMEY: No further questions, your Honor.

15 THE COURT: Thank you. Mr. Everdell.

16 MR. EVERDELL: Your Honor, I have a binder for the
17 witness and for the Court.

18 THE COURT: Okay.

19 (Continued on next page)
20
21
22
23
24
25

LC8VMAX6

Rodgers - cross

1 MR. EVERDELL: May I inquire, your Honor?

2 THE COURT: You may, Mr. Everdell.

3 CROSS-EXAMINATION

4 BY MR. EVERDELL:

5 Q. Good afternoon, Mr. Rodgers.

6 A. Good afternoon.

7 Q. Mr. Rodgers, you testified that you started working as a
8 pilot for Jeffrey Epstein about 1991; is that right?

9 A. Yes.

10 Q. And when you were hired, you then hired your friend who I
11 think you'd been working with, Larry Visoski?

12 A. Yes.

13 Q. Okay. So you started together roughly?

14 A. Yes.

15 Q. And when you started in '91, you were the chief pilot and
16 Larry Visoski was the co-captain?

17 A. Yes.

18 Q. And you continued -- sorry, that changed, I think, in
19 about, what was it, 2004-ish?

20 A. 2004, end of 2004.

21 Q. Okay. And at that point, Larry Visoski became the chief
22 pilot and you became the co-captain, is that right?

23 A. Correct.

24 Q. And you continued to work for Mr. Epstein as his co-captain
25 until 2019?

LC8VMAX6

Rodgers - cross

1 A. Correct. Yes.

2 Q. So you were a pilot for Jeffrey Epstein for almost 30
3 years, right?

4 A. Twenty-eight for him.

5 Q. Twenty-eight.

6 A. Right.

7 Q. And in that time, you flew a number of different planes for
8 him, right?

9 A. Yes.

10 Q. You mentioned the Hawker Siddeley, right?

11 A. Correct.

12 Q. And I think Mr. Epstein had that from roughly 1991 to '94;
13 is that right?

14 A. That's correct. End of '94. December of '94 we got rid of
15 it.

16 Q. He sold it in the end of '94? He sold it in the end of
17 1994?

18 A. Yes, December of '94 it was sold.

19 Q. Okay. And at that point he replaced the Hawker with a
20 Gulfstream 2B, is that right?

21 A. That's correct.

22 Q. So that was roughly December of '94 when he got the
23 Gulfstream?

24 A. No, we purchased the Gulfstream on February 2nd, 1994.

25 Q. Oh, I see.

LC8VMAX6

Rodgers - cross

1 So there was a bit of an overlap between the Hawker
2 and the Gulfstream?

3 A. Yes. But we didn't start flying the Gulfstream until
4 August of that year, because we had it in for paint and
5 interior, so there was a lot of work to do to the aircraft.

6 Q. Understood.

7 And you mentioned that he also at some point later
8 bought a Boeing 727, right?

9 A. Yes.

10 Q. That's a big aircraft, right?

11 A. That's a big aircraft.

12 Q. That's like a jetliner, right?

13 A. It is.

14 Q. And he bought that sometime around 2001; is that right?

15 A. Yes, in January of 2001.

16 Q. Okay. And I think you mentioned there were some other
17 planes you flew as well. There was a smaller Cessna, for
18 example?

19 A. There was a smaller Cessna that we had.

20 Q. Okay. And was that mainly for flights to the ranch?

21 A. We used it at the ranch, yes, a little bit, yes.

22 Q. There was a landing --

23 A. It wasn't the only mission, but it was in Palm Beach,
24 Florida a lot also. It sort of varied between Palm Beach and
25 the ranch, and I think one time it may have gone to St. Thomas.

LC8VMAX6

Rodgers - cross

1 Q. Sure. Okay.

2 But from about 1994, after he sold the Hawker, through
3 about 2001, when he bought the Boeing, you flew primarily the
4 Gulfstream 2B?

5 A. That's correct.

6 Q. Okay. And then from 2001 up through the mid 2000s, let's
7 call it 2004 for convenience, you were flying primarily both
8 the Gulfstream and the Boeing?

9 A. Yes. We flew the Boeing more, but -- but we did fly both
10 of them.

11 Q. Okay. So during that same time period, from 1994 to 2004,
12 you flew numerous flights for Mr. Epstein?

13 A. Yes.

14 Q. We saw on your flight log that we just looked, at the
15 flights for even one aircraft numbered in the thousands, isn't
16 that right?

17 A. Correct.

18 Q. Fair to say you flew over 1,000 flights, well over 1,000
19 flights for Mr. Epstein?

20 A. Yes.

21 Q. And Mr. Epstein would frequently have other passengers on
22 these flights, right?

23 A. Yes.

24 Q. And many of these passengers were female; correct?

25 A. Yes.

LC8VMAX6

Rodgers - cross

1 Q. Now, when the flights were getting ready to taxi and take
2 off, you were usually in the cockpit, right, getting the flight
3 ready?

4 A. That's correct.

5 Q. And you would be in the cockpit generally when the
6 passengers arrived in the plane, right?

7 A. Say that again.

8 Q. You would usually be up in the cockpit getting the plane
9 ready when the passengers arrived for their flights?

10 A. One pilot would usually be in the cockpit, and one would be
11 in the baggage compartment loading luggage.

12 Q. Okay. Well, so if you were in the baggage compartment
13 loading luggage, you'd have the chance to see some of the
14 passengers, right?

15 A. Yes.

16 Q. You might not greet them or meet them, but you'd see them
17 with your eyes?

18 A. Correct.

19 Q. Okay. And even if you were in the cockpit, if you were the
20 pilot that was in the cockpit, the door sometimes was open
21 during the pre-flight preparations?

22 A. Yes, the door is going to be open until the pilot in the
23 back gets through loading the luggage, walks through the
24 compartment, and then the door would be closed.

25 Q. And that's generally the time when the passengers are going

LC8VMAX6

Rodgers - cross

1 to be entering the plane, right?

2 A. No, the passengers are already on the plane.

3 Q. Sorry. Let me be clear.

4 Until the time when the luggage compartment is fully
5 loaded, I think you testified that the cockpit door is usually
6 open?

7 A. Yeah, it's open.

8 Q. So if you're in the cockpit at that time, you can look into
9 the passenger section?

10 A. Yeah.

11 Q. And you can see the passengers boarding the plane if you're
12 looking in that direction?

13 A. You could.

14 Q. Okay. And you did that on occasion, right?

15 A. It's possible, yeah.

16 Q. I think there were also times when Mr. Epstein would
17 introduce some of the passengers to you?

18 A. He would sometimes.

19 Q. Okay. Maybe if there was a special guest, he might come
20 introduce them to you in the cockpit so they could see the
21 cockpit?

22 A. That's correct.

23 Q. Okay. And you might have some chitchat with them there,
24 right?

25 A. Yes.

LC8VMAX6

Rodgers - cross

1 Q. All right.

2 And there were also times too when the plane and the
3 passengers had to clear customs, and the pilots and the
4 passengers had to exit the plane, right?

5 A. That's correct.

6 Q. That would happen on international flights, for example?

7 A. Yes.

8 Q. It would also happen when you're leaving St. Thomas too,
9 right?

10 A. Yes, when we -- it would depend. If we were pre-clearing
11 customs at St. Thomas, yes, we would taxi over to the customs
12 area, have to take everything off the airplane and clear
13 customs there.

14 Q. Because even though that's the U.S. Virgin Islands, it's
15 part of the United States, there is a customs clearance you
16 have to do when departing St. Thomas, right?

17 A. That's correct. You could pre-clear. And then if you
18 pre-clear there, we don't have to see customs wherever we're
19 going. However, if we don't pre-clear there, then we have to
20 see customs when we land in the United States.

21 Q. Fair enough.

22 But I guess my point is at any time when you're
23 clearing customs and you've exited the plane with the
24 passengers, you have the chance to see them there too?

25 A. Oh, sure.

LC8VMAX6

Rodgers - cross

1 Q. Right?

2 A. Sure.

3 Q. Okay. Now, so I think there were several ways you could
4 have seen some of the passengers on the flights?

5 A. Yes.

6 Q. And over the years, I think you said you saw a lot of
7 female passengers on Epstein's planes, right?

8 A. Yes.

9 Q. And you saw lots of women who were in their early twenties;
10 correct?

11 A. Yes.

12 Q. But you never saw a female passenger who you thought was
13 under the age of 18, did you?

14 A. No.

15 Q. In fact, you never saw any female on any of the planes who
16 looked younger to you than 19 or 20; is that right?

17 A. Let me back up and say that there were -- there could have
18 been some females under 18, but they were with their parents.

19 Q. Fair enough.

20 Occasionally, you'd have younger females traveling
21 with their parents, right?

22 A. Yes.

23 Q. Or maybe they were traveling with a nanny?

24 A. Yes.

25 Q. But apart from those instances where a younger female is

LC8VMAX6

Rodgers - cross

1 traveling with their parents or a nanny, you didn't see any
2 females on the plane under the age of, say, 18 or 19?

3 A. No.

4 Q. So fair to say in the thousand-plus flights that you flew
5 for Epstein from '94 to 2004, you never once saw any female on
6 the plane who looked under the age of 18 or 19, right?

7 A. No.

8 Q. And, in fact, in the many flights you piloted after 2004,
9 you never once saw any female on the planes who looked under
10 the age of 18 or 19, apart from the ones traveling with their
11 family?

12 MS. COMEY: Objection, your Honor.

13 THE COURT: Just a moment.

14 Overruled.

15 A. That's correct.

16 Q. Okay. And that includes, doesn't it, the woman that you
17 referred to or that we have been referring to as "Jane" in your
18 direct exam; correct?

19 A. Correct.

20 Q. And you do recall meeting Jane, right?

21 A. Yes.

22 Q. I think your recollection, isn't it, was that she appeared
23 to you to be at least 18 years old when you met her?

24 A. It did.

25 Q. And it also includes the woman we've been talking about,

LC8VMAX6

Rodgers - cross

1 Virginia Roberts, right?

2 A. Yes.

3 Q. She was mentioned in your direct testimony?

4 A. Correct.

5 Q. And your recollection was that Virginia Roberts appeared to
6 be at least 18 or 19 when you saw her on the plane, right?

7 A. Yes.

8 Q. All right. Now, I know you don't know exactly how old they
9 were, right, you weren't checking their IDs?

10 A. Correct.

11 Q. But when you saw those two people, Jane and Virginia
12 Roberts, you believed that they looked 18 or over when you met
13 them, right?

14 A. I did.

15 Q. So, Mr. Rodgers, related question or, I guess, a separate
16 question: In those more than 1,000 flights that you flew for
17 Mr. Epstein during that time period of '94 to 2004, you also
18 never saw any kind of sexual activity occurring on the planes,
19 isn't that right?

20 A. That is correct.

21 Q. You never saw anyone engaging in sex acts with underage
22 girls, for example, did you?

23 A. That's correct, I did not.

24 Q. In fact, you never saw anyone engaging in sex acts with any
25 of the women on the flights, period, right?

LC8VMAX6

Rodgers - cross

1 A. No.

2 Q. All right. Now, you did testify that when you flew the
3 planes, both the Gulfstream and the Boeing, the cockpit doors
4 were closed?

5 A. Correct.

6 Q. And so if they are closed, you can't necessarily see what's
7 happening in the passenger section of the plane; is that right?

8 A. That's right.

9 Q. Okay. But you were never instructed by Jeffrey Epstein or
10 anyone else, for that matter, that you were not allowed to ever
11 leave the cockpit during flight, were you?

12 A. No.

13 Q. He never told you, for example, You have to stay in the
14 cockpit; you cannot leave, David Rodgers?

15 A. No, he never said that.

16 Q. Okay. And he never told you and nor did anybody else that
17 you could never mingle with the passengers on the flight, did
18 he?

19 A. That he could never what?

20 Q. That you could never mingle or meet the passengers on the
21 flight?

22 A. No.

23 THE COURT: If we could just make sure the question
24 finishes before the answers.

25 MR. EVERDELL: I'm sorry.

LC8VMAX6

Rodgers - cross

1 THE COURT: Thank you.

2 MR. EVERDELL: Yes, I'll try to be clearer too when I
3 end my question.

4 Q. You were never told you couldn't mingle with the other
5 passengers?

6 A. No, never told that.

7 Q. All right. In fact, you weren't given any rules whatsoever
8 about what you could and couldn't do with the passengers,
9 right?

10 A. That is correct.

11 Q. And you were never given any rules whatsoever about how you
12 could interact with the other pilots and the other staff of
13 Mr. Epstein, isn't that right?

14 A. That is correct.

15 Q. Now, you did, every once in a while on some of these
16 flights, leave the cockpit to go to the rest room, right?

17 A. Very few.

18 Q. Very few.

19 A. Usually they were Atlantic crossings going to Europe.

20 Q. I see.

21 Well, if you did, then on the -- as I you understand
22 it, on the Gulfstream, the bathroom is all the way in the back
23 of the plane, right?

24 A. That's correct.

25 Q. So if you wanted to use the rest room, you'd have to leave

LC8VMAX6

Rodgers - cross

1 the cockpit and walk all the way through the plane to get to
2 the rest room in the back of the plane, right?

3 A. Right.

4 Q. And on the occasions when you did use the rest room on the
5 Gulfstream, you never saw anything of a sexual nature going on
6 in the passenger cabin, right?

7 A. No, I did not.

8 Q. Okay. Did you ever leave the cabin -- or, sorry, the
9 cockpit to get coffee?

10 A. No, we had our own coffee up in that area that we could
11 make.

12 Q. That was on the Gulfstream, I think, right?

13 A. Correct.

14 Q. But on the Boeing, there was a galley kitchen in the middle
15 of the plane, right?

16 A. There was. But also we had our own coffeemaker up front in
17 the Boeing. But, yes, there was one in the galley.

18 Q. Did you ever go get coffee from the galley kitchen in the
19 middle of the plane?

20 A. Not that I recall.

21 Q. Okay. All right.

22 Well, let me ask you this question: After a flight
23 lands on either the Gulfstream or the Boeing, it's generally
24 the pilot's responsibility to help straighten up the cabin
25 after flight; is that right?

LC8VMAX6

Rodgers - cross

1 A. That is correct.

2 Q. Okay. And when you did that, you never saw anything in any
3 of these cabins like clothes all about the cabin, right?

4 A. No.

5 Q. You never saw any sex toys in the cabin; correct?

6 A. No.

7 Q. You never saw anything like used condoms?

8 A. No.

9 Q. So you never saw anything that gave you the impression that
10 any kind of sexual activity was occurring on the flights during
11 the in-flight portion of the flight where you couldn't see
12 anything?

13 A. That is correct, I did not.

14 Q. And sitting here today, based on what you observed, you
15 have no reason to believe that Epstein or anyone else was
16 engaging in sexual activity with underage girls or any women,
17 for that matter, on the flights you piloted, isn't that right?

18 A. That's correct.

19 Q. Okay. Now, I want to ask you some questions about how the
20 flights were scheduled and set up. Okay?

21 A. Okay.

22 Q. I think you were asked a few questions about this on your
23 direct exam, right?

24 So before a flight was scheduled, you and Larry
25 Visoski would need to be alerted ahead of time that Epstein

LC8VMAX6

Rodgers - cross

1 needed to fly somewhere, right?

2 A. Yes.

3 Q. And you'd usually get about a few days' notice, maybe a
4 day's notice, if it's short notice; is that right?

5 A. Correct.

6 Q. And there were several different people who would speak to
7 you about scheduling flights, right?

8 A. Yes.

9 Q. I think you mentioned on your direct that you would
10 occasionally speak to Mr. Epstein himself to schedule flights
11 or he would let you know a flight was happening, right?

12 A. Yes, he would let us know.

13 Q. If he was leaving the plane on one particular time and he
14 knew he was going to go somewhere, say, in a day or two, he
15 would mention to you we're going to fly to so-and-so
16 destination two days from now?

17 A. That is correct.

18 Q. And you said you would occasionally speak to Ghislaine as
19 well about flights, right?

20 A. Yes.

21 Q. But during the time period of the 1990s, it was usually the
22 case that you were speaking to Epstein's secretary in New York
23 about scheduling flights, isn't that right?

24 A. Yes, more often than not.

25 Q. And in the '90s, I think you mentioned you didn't have a

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Rodgers - cross

1 cell phone, right?

2 A. Early '90s we did not.

3 Q. Before the days of cell phones.

4 A. Right.

5 Q. Because we're talking 20 years ago at this point, right?

6 A. Yeah, when we first were there, we had beepers.

7 Q. Okay.

8 A. And cell phones -- I'm guessing it was late '90s before we
9 had cell phones.

10 Q. Right. So early '90s was before anybody really carried a
11 cell phone as a matter of course?

12 A. Yeah.

13 Q. So you did have beepers though?

14 A. Yes.

15 Q. If there was a flight needed to be scheduled, typically you
16 and Larry Visoski would get a page on your beeper, right?

17 A. Correct.

18 Q. You would call back Epstein's office usually, right?

19 A. Yes.

20 Q. Because more often than not, that's where the call was
21 coming from?

22 A. Right.

23 Q. And you would speak to Epstein's secretary or his assistant
24 about the flight, right?

25 A. Correct.

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Rodgers - cross

1 Q. Now, on the occasions that you did speak to Ghislaine about
2 scheduling a flight, that was because she was going to be
3 traveling on that flight; isn't that right?

4 A. Yes.

5 Q. Okay. So if she wasn't traveling on the flight, you
6 typically would coordinate with someone else, right?

7 A. That's correct.

8 Q. One of Epstein's secretaries or something like that?

9 A. Correct.

10 Q. Okay. So that was the 1990s I think we were just
11 discussing; correct?

12 A. Correct.

13 Q. I want to fast forward to the 2000s. Okay.

14 In the 2000s, you spoke to some different people about
15 scheduling flights, isn't that right?

16 A. Yes. He had a different secretary. Yes, it would be
17 different people, but the same position.

18 Q. Right. Same position, but different people started filling
19 these positions, right?

20 A. Yes.

21 Q. Do you recall a person named Lesley Groff?

22 A. Say again?

23 Q. Do you recall someone named Lesley Groff?

24 A. Yes.

25 Q. Okay. She was Epstein's secretary in the 2000s, right?

LC8VMAX6

Rodgers - cross

1 A. Yes.

2 Q. And do you recall speaking to her about scheduling flights
3 on occasion?

4 A. Yes.

5 Q. But I think the person you spoke to most often about
6 scheduling flights in the 2000s was Sarah Kellen, isn't that
7 right?

8 A. For me, not that much.

9 Q. Okay. Well, did you speak to Sarah Kellen about scheduling
10 flights?

11 A. I'm sure we have; but at that point in time, Larry -- she's
12 probably directing everything to Larry instead of me.

13 Q. So let's make a distinction here. It's because the call
14 would be handled by Larry at that point as chief pilot, not
15 yourself?

16 A. That's correct.

17 Q. I see. Okay.

18 But you do recall meeting someone named Sarah Kellen
19 around the early 2000s, right?

20 A. Yes.

21 Q. And I think the first time you recall meeting Sarah Kellen
22 was sometime in late 2001; is that right?

23 A. That's correct, September 2001.

24 Q. Right. I think September of 2001, if we looked at your
25 flight logs, is the first time she appears on one of your

LC8VMAX6

Rodgers - cross

1 flights, right?

2 A. Yes.

3 Q. Okay. Now, I think it's true that Sarah Kellen started
4 filling the role of one of Epstein's assistants at that time,
5 isn't that right?

6 A. I feel like Sarah was more of Ghislaine's assistant, but
7 actually she was probably both.

8 Q. Well, I think you said that she may have started as
9 Ghislaine's assistant, but at some point she became Epstein's
10 assistant?

11 A. That's true. That's true.

12 Q. In fact, I think you actually said at one point that you
13 considered her to be Epstein's primary assistant as of late
14 2001, isn't that right?

15 A. 2001, that who was, Sarah?

16 Q. Sarah is the question. That you considered Sarah Kellen to
17 be Epstein's primary assistant as of late 2001?

18 A. I am not sure if she was primary or not at that point.

19 Q. Let me see if I can show you something that may refresh
20 your recollection.

21 A. Okay.

22 Q. I put a binder by your feet. If you could pick that up,
23 sir. And I want you to turn to tab number 4. And this is
24 going to be document 3523-004 at page 2.

25 MR. EVERDELL: And if we can maybe put that on the

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Rodgers - cross

1 screen for just the Court, the deputy, and that's it. I think
2 the government has their copy.

3 THE COURT: I have it on paper.

4 Q. So, Mr. Rodgers, if you just take a look at that. I'm
5 going to direct your attention specifically to the second full
6 paragraph. It's towards the end, but why don't you read that
7 whole paragraph. It's right in the middle of the page.

8 THE COURT: Read to himself.

9 Q. Yes, read to yourself. I'm sorry.

10 A. Okay.

11 Q. Mr. Rodgers, I'll ask you, does reading that refresh your
12 recollection that it was your impression that Sarah Kellen took
13 over as Epstein's primary assistant in the late 2000s -- sorry,
14 in late 2001?

15 A. I didn't see Sarah's name mentioned in here.

16 Q. Are you referring to 35 -- it's tab 4.

17 THE COURT: I think -- it wasn't clear what page you
18 were directing to.

19 Q. I'm sorry. I direct you to page 2 of 3, if that wasn't
20 clear, sir.

21 A. I didn't hear that. Page 2?

22 Q. I'm sorry, why don't we try this again.

23 If you could refer to page 2.

24 A. Okay.

25 Q. It's the second full paragraph. Just read that paragraph.

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Rodgers - cross

1 A. I see it.

2 According to this, it's been a long time ago.

3 Q. Well, it is, sir, yes.

4 A. I stand corrected.

5 Q. Does that refresh your recollection that it was your
6 impression that Sarah Kellen took over as Epstein's primary
7 assistant in late 2001?

8 A. Yes.

9 Q. Okay. Thank you.

10 You can put that away for now, Mr. Rodgers.

11 A. Okay.

12 Q. So, I'm sorry, I'll wait till you're ready.

13 A. Yeah, sure.

14 Q. Okay. So then in the 2000s, starting in late 2001, I guess
15 Larry Visoski would often speak to Sarah Kellen about
16 scheduling flights; correct?

17 A. Yes.

18 Q. She was the one who would arrange the flight departures
19 generally?

20 A. Sarah?

21 Q. Sarah.

22 A. Yes.

23 Q. And she was the one who arranged the luggage transfers
24 back -- to and from the residences in your houses?

25 A. Yes, most likely.

LC8VMAX6

Rodgers - cross

1 Q. And she was the one who arranged for a driver to pick you
2 up at the airport?

3 A. No, we had our own. We would take care of our own
4 transportation, for the pilots we did.

5 Q. I see. Okay.

6 And by that point in the 2000s, you and Mr. Visoski
7 had cell phones, right? Had cell phones at that point, not
8 beepers?

9 A. Yes.

10 Q. So you were communicating about flights usually through
11 your cell phones, right?

12 A. Yes.

13 THE COURT: I'm going to ask again everybody, please,
14 you're talking on top of each other a little bit. It's
15 challenging for the court reporter. So question finishes, then
16 answer; answer finishes, then question. Thank you.

17 MR. EVERDELL: I will be mindful, your Honor.

18 Thank you.

19 Q. So you recall that you had Sarah Kellen's cell phone number
20 in your own phone, right?

21 A. Yes.

22 Q. So you spoke to her often enough to have that programmed in
23 your phone, right?

24 A. Yes.

25 Q. Okay. You don't happen to remember her phone number off

LC8VMAX6

Rodgers - cross

1 the top of your head, do you?

2 A. I do not.

3 Q. Okay. Let me just refresh -- see if something refreshes
4 your recollection. If you can pick up your binder again and
5 again flip to the fourth tab and you turn to the third page.

6 A. Okay.

7 Q. And if you look in the -- sort of the middle of that page,
8 just take a look at that and see if that refreshes your
9 recollection about what Sarah Kellen's phone number was.

10 A. It really does -- I mean I see the number, but I don't
11 recall that number.

12 Q. Fair enough. You can put that away.

13 All right. Let's move on to a different topic,
14 Mr. Rodgers.

15 So regardless of who you were speaking to about
16 scheduling a flight, when you were told that Epstein needed to
17 fly somewhere, you would need to be given certain information
18 about -- to be able to plan the flight appropriately, right?

19 A. Did you say something about meals?

20 Q. Not meals. You would need to be given some information
21 about the flight in order to plan it, like, for example, the
22 destination?

23 A. Correct. Yes.

24 Q. And you'd need to be given the time of departure, right?

25 A. Correct.

LC8VMAX6

Rodgers - cross

1 Q. And but you wouldn't necessarily be told who was going to
2 be on the flight, right?

3 A. That's correct.

4 Q. I think you mentioned that on your direct exam, right, the
5 names of the passengers wasn't one of these sort of critical
6 pieces of information for you to know, right?

7 A. No.

8 Q. Okay. And, in fact, most of the time you didn't ever meet
9 the passengers, right?

10 A. Other than we would know who they were.

11 Q. Sure. If you had passengers, for example, who flew often,
12 you would get to know those people, right?

13 A. Right.

14 Q. All right. But a lot of times you were just at some point
15 given some names of the passengers, right?

16 A. Correct.

17 Q. And you wouldn't necessarily be given all of their names,
18 right?

19 A. No.

20 Q. Sometimes you'd be given some of the names and sometimes
21 you'd be given all, but it was a mix, right?

22 A. That's correct.

23 Q. And there's no requirement under airline regulations that
24 requires you to gather the names of the passengers, right?

25 A. That is correct.

LC8VMAX6

Rodgers - cross

1 Q. I think you only really need the names if you're flying
2 internationally, right, and you have to clear customs and
3 immigration?

4 A. That is correct.

5 Q. Okay. So even if you weren't told all the names of the
6 passengers, I think you mentioned on your direct exam that you
7 did try to keep track of how many people were on the plane,
8 right?

9 A. Correct.

10 Q. Because, among other things, the pilots need to fill out
11 passenger manifests for each flight, right?

12 A. We're not required to fill out a -- you mean -- by FAA you
13 mean?

14 Q. I don't mean -- I'll rephrase.

15 It was your practice to fill out passenger manifests
16 for each flight; correct?

17 A. That is correct.

18 Q. Okay. And the manifest as you mentioned contains a list of
19 passenger names, among other things, right?

20 A. Yes.

21 Q. Okay. Now, we looked at a lot of entries in what you
22 referred to as your pilot logbook; correct?

23 A. Yes.

24 Q. That was Government's Exhibit 662. We looked at a lot of
25 entries on your logbook; is that right?

LC8VMAX6

Rodgers - cross

1 A. That's right.

2 Q. That is not a passenger manifest, right?

3 A. No, it is not.

4 Q. You had a practice, I think you described this, of taking
5 the manifests and then taking the names of the passengers and
6 entering them in your own personal pilot logbook, right?

7 A. Correct.

8 Q. So that's why your logbook has those -- that information in
9 it, right?

10 A. Yes.

11 Q. But that's your particular practice; it's not what every
12 pilot does, right?

13 A. Correct.

14 Q. Okay. Now, you said on direct that if you didn't get all
15 the names of the passengers, which happened from time to time,
16 you would still try to keep track of how many passengers there
17 were?

18 A. Yes.

19 Q. And if you didn't know their names, you might put in
20 something like "one passenger" or "one PAX" to indicate an
21 unnamed passenger?

22 A. Correct.

23 Q. And then later you might have put -- or around the same
24 time you might have put "one female" or "one male" to indicate
25 the gender, right?

LC8VMAX6

Rodgers - cross

1 A. That is correct.

2 Q. But sitting here today, if your logbook entries reflect one
3 male or one female or one passenger, you don't know who that
4 person is who you indicated as that one male, one female, one
5 passenger, right?

6 A. That is correct.

7 Q. Okay. So you would have no way of knowing today what the
8 actual name of that person was on those flights where those are
9 indicated?

10 A. No.

11 Q. Okay. Now, in keeping your logbook and your manifests,
12 obviously if you knew who the person was and you recognized
13 them from before, you would put their names in the manifest,
14 right?

15 A. Correct.

16 Q. And your practice, I think, was if you knew the name of the
17 person because they flew a lot, you might just enter their
18 initials in your logbook because it saved space, right?

19 A. That's correct.

20 Q. Okay. So if we see initials in your logbook, that reflects
21 that it's someone who flew several times on Epstein's planes
22 that you recognized, right?

23 A. Correct.

24 Q. Okay. So, for example, there are numerous examples of the
25 initials SK in the logbook, right?

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Rodgers - cross

1 A. Right.

2 Q. And do you know what those initials designate?

3 A. Sarah Kellen.

4 Q. So Sarah Kellen was a frequent passenger who you would
5 abbreviate with her initials, right?

6 A. Yes.

7 Q. And those people -- sorry, I take it back.

8 If someone was a new passenger or someone you hadn't
9 met yet, you would put their full name, if it had been given to
10 you, right?

11 A. Yes.

12 Q. Or you would put a first name if that's all you had for
13 them, right?

14 A. Yes.

15 Q. Or you'd put down a placeholder like we spoke about, one
16 passenger, one male, one female?

17 A. Correct.

18 Q. Okay. Now, it was sometimes the case, wasn't it,
19 Mr. Rodgers, that Epstein's friends or acquaintances or family
20 members would fly on the plane with him, right?

21 A. Yes.

22 Q. And he would take them on his plane if they were -- if he
23 was going the direction they were going, right?

24 A. Yes.

25 Q. Effectively giving them a lift on his plane, right?

LC8VMAX6

Rodgers - cross

1 A. Yes.

2 Q. Now, in those cases, if it's not a regular traveler or,
3 say, a family member, you might not know their name, right?

4 A. Say that again?

5 Q. In those cases where it's someone who's kind of getting a
6 lift, who -- it might be an acquaintance or friend, you might
7 actually not know that person?

8 A. That's correct.

9 Q. Okay. So that's an example, right, of somewhere where you
10 might put one male, one female, one passenger, right?

11 A. Yes.

12 Q. Okay. One of these people getting a ride somewhere, right?

13 A. Yes.

14 Q. Okay. Now, you and, I think, Larry Visoski had your
15 manifests, right, which were separate from the logbook that we
16 looked at, right?

17 A. Correct.

18 Q. And you sent those manifests periodically to Epstein's
19 office in New York; is that right?

20 A. Yes.

21 Q. About every month or so, give or take?

22 A. Usually at the end of the month.

23 Q. Okay. You did not send those manifests to Ghislaine, did
24 you?

25 A. No, I did not.

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Rodgers - cross

1 Q. And you didn't send your pilot logbook to Ghislaine either,
2 right?

3 A. No.

4 Q. That was your own personal logbook that you kept yourself,
5 right?

6 A. Correct.

7 Q. So you have no reason to believe that Ghislaine was
8 reviewing the manifests and the people who were flying on the
9 flights, right?

10 A. No.

11 Q. And from your perspective, you have no reason to believe
12 that Ghislaine would have known which passengers were on which
13 flights, if she didn't fly on the flight herself, right?

14 A. That's correct.

15 Q. Okay. I want to move to a different topic, Mr. Rodgers. I
16 want to ask you about the ownership of the planes, okay?

17 A. Okay.

18 Q. So from 1994 to 2004, you said Mr. Epstein had two primary
19 planes, the Gulfstream and eventually the Boeing, right?

20 A. Yes.

21 Q. Those planes were owned by limited liability companies or
22 LLCs, isn't that right?

23 A. I don't think the first plane -- are we referring to the
24 Gulfstream or the --

25 Q. I'm referring to the Gulfstream and the Boeing.

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Rodgers - cross

1 A. I think the Gulfstream was not an LLC; I think it was
2 incorporated. And I think that the Boeing was an LLC.

3 Q. I'm sorry. Let me rephrase the question.

4 The two aircraft we're talking about, the Boeing and
5 the Gulfstream, were actually owned by companies?

6 A. Correct.

7 Q. I'll use that general term. Is that correct?

8 A. That's correct.

9 Q. Okay. So the companies that owned the planes were
10 controlled by Mr. Epstein, right?

11 A. Yes.

12 Q. But the actual owner on paper was a company; correct?

13 A. That is correct.

14 Q. Okay. So I think you recall that the Boeing 727 was owned
15 by JEGE, Incorporated, right?

16 A. Correct.

17 Q. And the Gulfstream was owned by a company called Hyperion
18 Air, right?

19 A. Correct.

20 Q. And I think Epstein also owned a Bell helicopter at some
21 point, didn't he?

22 A. Yes.

23 Q. Do you know about when he bought the Bell helicopter?

24 A. I believe it was 2002, maybe November 2002.

25 Q. Okay. That's a rough estimate?

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Rodgers - cross

1 A. That's a rough. I'm not for sure about that.

2 Q. Okay. But that helicopter was also owned by a company,
3 wasn't it?

4 A. Yes.

5 Q. That was owned by Air Ghislaine, Inc., isn't that right?

6 A. Correct.

7 Q. And I think Mr. Epstein bought another helicopter sometime
8 later from Sikorsky; isn't that right?

9 A. Yes.

10 Q. And that aircraft or that helicopter was also owned by Air
11 Ghislaine, right?

12 A. Yes.

13 Q. All right. Now, it's your understanding that all of these
14 companies that owned these aircraft were controlled by
15 Mr. Epstein, right?

16 MS. COMEY: Objection, your Honor.

17 A. Yes.

18 THE COURT: Just a moment. Just a moment.

19 MS. COMEY: Foundation and calls for hearsay.

20 THE COURT: I'll sustain on foundation.

21 Q. Let me ask you this, Mr. Rodgers: Before you were hired by
22 Jeffrey Epstein, you worked for a company that sold airplanes;
23 isn't that right?

24 A. No.

25 Q. No? You didn't work for Glimcher? Is that the name of the

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Rodgers - cross

1 company? G-L-I-M-C-H-E-R?

2 A. Yes, I worked for that company, but it was a real estate
3 development.

4 Q. Oh, I'm sorry. I've got it. Okay.

5 But you do have some awareness of how people buy
6 aircraft and how they own aircraft through companies; correct?

7 A. Yes.

8 Q. All right. Now, it is fairly common if someone wants to
9 buy an airplane, to buy it using a company, a corporate entity;
10 isn't that right?

11 MS. COMEY: Objection.

12 A. Yes.

13 Q. And if that person owns more than one aircraft, it is also
14 fairly common that they own each plane with a separate company,
15 right?

16 A. That is correct.

17 Q. And one of the main reasons you do that is because it
18 limits your liability, right?

19 A. Correct.

20 Q. So, in other words, it protects that person from being
21 sued, right?

22 A. Correct.

23 Q. So, for example, if I owned a plane and, God forbid, there
24 was an accident on the plane and some of the passengers were
25 seriously injured, some of those injured passengers might want

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Rodgers - cross

1 to sue me because it's my plane, right?

2 MS. COMEY: Objection, your Honor.

3 THE COURT: Sustained.

4 Q. Well, if I own the plane in my own name, I could be sued
5 personally, right?

6 MS. COMEY: Objection, your Honor.

7 THE COURT: Sustained.

8 Q. All right. Well, I'll ask one more question.

9 In your experience working with aircraft, there's
10 nothing improper about owning an aircraft through a company, is
11 there?

12 MS. COMEY: Objection, your Honor.

13 THE COURT: Sustained.

14 Q. All right. Let's switch gears, Mr. Rodgers. I want to
15 talk a little bit about a few specific flights, all right?

16 A. Okay.

17 Q. You testified on your direct about a place called
18 Interlochen, right?

19 A. Yes.

20 Q. And you're familiar with that place, right?

21 A. Yes.

22 Q. Interlochen hosts an arts camp in the summer; is that
23 right?

24 A. Correct.

25 Q. And that camp is for talented musicians and singers and

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Rodgers - cross

1 actors and other types of artists, right?

2 A. Correct.

3 Q. And those people, those artists, are in high school for
4 this camp, right?

5 A. Yes.

6 Q. Okay. And it's pretty well known in the arts community,
7 the Interlochen Arts Camp; isn't that right?

8 A. Correct.

9 Q. Now, you testified, I believe, that from 1991, when you
10 first started working for Mr. Epstein, to 1998, you flew to
11 Interlochen once a year roughly, right?

12 A. Yes.

13 Q. And you did that typically in the month of August, right?

14 A. Yes.

15 Q. I think you mentioned there may have been one year where
16 you went July 31st, right at the end of July; but other than
17 that, it was August, right?

18 A. Correct.

19 Q. And Mr. Epstein, I think you're aware that he had a cabin
20 at Interlochen, right?

21 A. Yes. I believe it was referred to as a lodge.

22 Q. A lodge?

23 A. Yes.

24 Q. But he had the ability to stay in that lodge if he wanted
25 to, right?

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Rodgers - cross

1 A. Yes.

2 Q. And he would stay in that lodge typically in the days in
3 August when he went to see the end-of-the-year performances at
4 Interlochen, right?

5 A. I'm not really sure where he stayed once we took him there.
6 I can't be for certain. Somebody else could have been staying
7 there in his lodge.

8 Q. Understood.

9 Setting apart where he stayed, he would typically go
10 in August to see the end-of-the-year performances by the
11 campers, right?

12 A. Yes.

13 Q. Now, Interlochen is located in Michigan, right?

14 A. Correct.

15 Q. And to get to Interlochen, you have to fly to Traverse
16 City, Michigan, right?

17 A. That is correct.

18 Q. That's the closest airport?

19 A. Yes.

20 Q. Okay. Now, I want to take a look at some of these flights
21 in a second. But you recall being asked on direct by the
22 government about the flights to Interlochen, right?

23 A. Yes.

24 Q. And I think you were able to say confidently that you took
25 seven flights to Interlochen between 1991 to 1997; is that

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Rodgers - cross

1 right?

2 A. That is correct.

3 Q. And you remember they were in August, except for that one
4 time in July, right?

5 A. Correct.

6 Q. Now, you don't have any independent recollection of these
7 flights, right?

8 A. No.

9 Q. Okay. So the way you were able to be so confident in the
10 number of flights and the timing of the flights is because you
11 were able to review your flight records, your flight logbook,
12 right?

13 A. That is correct.

14 Q. So you had your memory refreshed by looking at your flight
15 logbook, and that's why you were able to say confidently what
16 you said about the flights for Interlochen, right?

17 A. That is correct.

18 Q. So it's not as if you have a separate memory for each of
19 those flights; correct?

20 A. No, I do not.

21 Q. And that's true of really all the flights we're talking
22 about here; you don't have an independent recollection of each
23 and every one of these flights, right?

24 A. That's correct, I do not.

25 Q. So we're working off your refreshed recollection from your

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Rodgers - cross

1 logbook which you've reviewed prior to testifying today?

2 A. Correct.

3 Q. So let's look first at --

4 THE COURT: Actually, Mr. Everdell, we'll break here.
5 It's our mid-afternoon break time.

6 MR. EVERDELL: Yes, your Honor.

7 THE COURT: All right. Members of the jury, about a
8 15-minute break. Thank you.

9 (Jury not present)

10 THE COURT: Mr. Rodgers, you may step down for the
11 break. Thank you.

12 (Witness not present)

13 THE COURT: Everyone may be seated.

14 Are there matters to take up before the break?

15 MS. COMEY: Not from the government, your Honor.

16 MR. EVERDELL: Not from the defense, your Honor.

17 THE COURT: Okay. Let's meet in ten minutes so that
18 you can raise anything if we need to. Thank you.

19 (Recess)

20 THE COURT: Matters to take up?

21 MS. MOE: Not from the government, your Honor.

22 MR. EVERDELL: Nothing for the defense.

23 THE COURT: What's your time prediction, Mr. Everdell?

24 MR. EVERDELL: I still got a little ways to go, your
25 Honor. I'm not quite halfway done.

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Rodgers - cross

1 THE COURT: Okay. Ms. Comey is looking at me like --

2 MS. COMEY: I have no problem with that, your Honor.

3 THE COURT: Okay. All right.

4 We'll bring in the jury and bring back the witness

5 please.

6 (Witness present)

7 (Continued on next page)

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Rodgers - cross

1 (Jury present)

2 THE COURT: Everyone may be seated. Thank you,
3 members of the jury.

4 Mr. Everdell, you may continue with your cross
5 examination.

6 Mr. Rodgers, I remind you, you are under oath.

7 You may inquire.

8 MR. EVERDELL: Thank you, your Honor.

9 BY MR. EVERDELL:

10 Q. Welcome back, Mr. Rodgers.

11 A. Thank you.

12 Q. You were asked a lot of questions by the government on
13 direct examination about a woman that we are referring to as
14 Jane. Do you recall that?

15 A. Yes.

16 Q. To be clear, Jane is not her real name, her real first
17 name; correct?

18 A. Correct.

19 Q. But you do know what her name is, her real name?

20 THE COURT: Without saying it.

21 Q. Without saying it?

22 A. Yes.

23 Q. Now, you say you recall seeing Jane on Epstein's plane;
24 right?

25 A. Yes.

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Rodgers - cross

1 Q. I don't think you recall having much interaction with her,
2 though; right?

3 A. Correct.

4 Q. I think it was your testimony that you recalled seeing Jane
5 for the first time on Epstein's plane on November 11th of 1996;
6 right?

7 A. That's correct.

8 Q. Now, that is a date -- you don't have an independent
9 recollection of that date in your mind of meeting Jane;
10 correct?

11 A. No.

12 Q. That date is in your head because you referred to the
13 flight logs; correct?

14 A. Correct.

15 Q. And as we saw, there is an entry on that date on November
16 11th, 1996; correct?

17 A. Correct.

18 Q. And that entry shows that there is a first name there, but
19 only a first name; correct?

20 A. Correct.

21 Q. And that first name is the same first name as Jane's true
22 first name; correct?

23 A. Yes.

24 Q. And that is why you place Jane -- your meeting with Jane on
25 November 11th of 1996; correct?

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Rodgers - cross

1 A. Correct.

2 Q. Because you saw it in your flight log; right?

3 A. Correct.

4 Q. But that entry only has the first name that is the same as
5 Jane's true first name; correct?

6 A. Correct.

7 Q. It doesn't say Jane's first and last name; right?

8 A. That's correct.

9 Q. Now, you were actually interviewed by the FBI several times
10 about the flights you flew for Epstein; right?

11 A. Once, that I recall.

12 Q. Well, isn't it true that you were interviewed the first
13 time by the FBI way back in August of 2006; isn't that correct?

14 A. Yes, I recall that.

15 Q. That, you were not asked about Jane at that interview?

16 A. No.

17 Q. Now, the next time you were interviewed, it was by the
18 government, right, meaning the prosecutors were there, as well?

19 A. Yes.

20 THE COURT: Please wait until the question is finished
21 and then answer. Go ahead.

22 Q. So that interview with the prosecutors was almost 15 years
23 later on February 7th, 2020; isn't that right?

24 A. Repeat the question.

25 Q. The first time you were interviewed by the prosecutors in

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Rodgers - cross

1 this case was roughly almost 15 years after you were
2 interviewed by the FBI; correct?

3 A. That's very close.

4 Q. And that first interview with the prosecutors took place on
5 February 7th of 2020; is that right?

6 A. Correct.

7 Q. And some of the prosecutors that are here were at that
8 meeting; right?

9 A. Yes.

10 Q. And you were there with your attorney?

11 A. Yes.

12 Q. Now the government did ask you about Jane at that
13 interview; right?

14 A. Yes.

15 Q. And the government asked you when it was that you first
16 recall meeting Jane; right?

17 A. Yes.

18 Q. And you told them at that interview that you first recall
19 meeting Jane in around 2000, plus or minus a few years; isn't
20 that right?

21 A. I don't recall.

22 Q. Well, if you can pick up your binder that we looked at
23 before, please, if you could go to tab 18, which is 3523-018,
24 and I'm going to refer you to page 8 of that document. If you
25 just read it to yourself. There is a paragraph -- below the

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Rodgers - cross

1 bullet point list on that page, there is a paragraph -- where I
2 want you to focus is the last few sentences, but you can read
3 the full paragraph. Let me know when you've read it.

4 A. Yes, that's correct, I did say that. But at that time, I
5 hadn't done a lot of research in my logbook.

6 Q. Exactly. So, at that time, you were responding from your
7 memory?

8 A. Correct.

9 Q. As best you could about when you recalled first meeting
10 Jane; correct?

11 A. Correct.

12 Q. And you told the government that you best recalled first
13 meeting Jane around the year 2000, give or take a year or two;
14 right?

15 A. Yes. I was a couple of years off.

16 Q. Well, that was before you were shown the flight logs;
17 right? You gave that response before you were shown the flight
18 logs; right?

19 A. Yes.

20 Q. And as we saw, the flight logs for the flights in '96, '97,
21 and '98 where there is an indication where someone with Jane's
22 first name appears in the passenger list, those flight logs
23 just show just that, someone with Jane's first name flying on
24 those flights; right?

25 A. Correct.

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Rodgers - cross

1 Q. It doesn't say her first and last name?

2 A. That is correct.

3 Q. So your basis for placing your first meeting with Jane on
4 November 11th, 1996, is not based on your memory, it's based on
5 what the flight logs say; right?

6 A. That is correct.

7 Q. And the flight logs only refer to someone with the same
8 first name as Jane?

9 A. Correct.

10 Q. Now, it is true, isn't it, that there are other people in
11 Epstein's world with that same first name as Jane?

12 A. Correct.

13 Q. In fact, you've met people with that same first name who
14 were in Epstein's world; right?

15 A. Yes.

16 Q. I believe he had an assistant with that same first name. I
17 tell you what, I'll withdraw the question, I'm going to show
18 you something that I think will help you.

19 In your binder, there is a tab, LV3. These are
20 admitted. This is LV3A and LV3B, which are admitted under
21 seal.

22 Members of the jury, there are folders under your
23 chairs --

24 THE COURT: Just a second. I'll direct the jury.

25 MR. EVERDELL: Understood, your Honor.

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Rodgers - cross

1 THE COURT: So first tell me --

2 MS. COMEY: No objection, your Honor.

3 THE COURT: So you want the jury to look at LV --

4 MR. EVERDELL: I would like the witness and the jury
5 to look at LV3A and LV3B, which are already in evidence under
6 seal.

7 THE COURT: Okay. You may do so, members of the jury,
8 please. It's which binder?

9 MR. EVERDELL: It's the folder.

10 THE COURT: In the folder, LV3A, LV3B.

11 MR. EVERDELL: Jurors, I think it's underneath tab 3
12 for you. So just go to tab 3.

13 THE COURT: You may go to tab 3.

14 MR. EVERDELL: I'm sorry, your Honor. I'll stop.

15 THE COURT: You were trying to be helpful.

16 MR. EVERDELL: Yes.

17 BY MR. EVERDELL:

18 Q. Mr. Rodgers, do you see that tab?

19 A. Yes.

20 Q. And do you see the person in those photos? Yes or no.

21 A. Yes.

22 Q. I don't want you to tell me that person's name.

23 Understand?

24 A. Yes.

25 Q. But you do know that person's name; correct?

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Rodgers - cross

1 A. Yes.

2 Q. Without telling us the name, is that Epstein's assistant
3 that had the same first name as Jane's true first name?

4 A. Yes.

5 Q. And that person you're looking at in the photographs who
6 had the same name, she traveled frequently with Epstein on the
7 planes; isn't that right?

8 A. Yes.

9 Q. Do you know if they had a romantic relationship together?

10 A. Yes.

11 Q. And she had a foreign accent, didn't she?

12 A. I'm not sure about that. Pretty good English.

13 Q. Her first name is actually spelled the same exact way as
14 Jane's first name; right?

15 A. Yes.

16 Q. But she is not Jane; correct?

17 A. No.

18 MR. EVERDELL: You can put that way.

19 THE COURT: Jurors, you can put the folders away.

20 Q. I do want to look at some of those flights with Jane that
21 you looked at before. So if we could bring up Government
22 Exhibit 662R, which is redacted, and I'll ask Ms. Drescher to
23 help me, because I think she has the redacted copy. If we can
24 display page 44.

25 So do you see that in front of you, Mr. Rodgers?

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Rodgers - cross

1 A. Yes.

2 Q. If you look at the flight that's for November 11th of 1996,
3 do you see that flight down at the bottom?

4 A. Yes.

5 Q. It's flight number 916?

6 A. Yes.

7 Q. And it's from Palm Beach to Teterboro; right?

8 A. Yes.

9 Q. And the passengers were -- it says in the notes JE, Sophie
10 and friend, Jeff Shantz (ph.) and family, four, Eva, child and
11 nanny. Then it says Jane's true first name; correct?

12 A. Correct.

13 Q. And it says Russ --

14 A. Yes.

15 Q. So JE, we said, was Epstein; right?

16 A. Yes.

17 Q. Sophie is Sophie Biddle (ph.), is it not?

18 A. Yes.

19 Q. She was one of Epstein's professional masseuses; isn't that
20 right?

21 A. Correct.

22 Q. She traveled with him from time to time on the planes?

23 A. Yes.

24 Q. And she was in her late 20s or early 30s at the time,
25 wasn't she?

LC8Cmax7

Rodgers - cross

1 A. Yes.

2 Q. Jeff Shantz was Epstein's attorney; isn't that right?

3 A. Yes.

4 Q. And Eva is Eva Dubin; correct?

5 A. Yes.

6 Q. She was Epstein's former girlfriend, wasn't she?

7 A. Yes.

8 Q. And before she was Eva Dubin, she was Eva Anderson?

9 A. Yes.

10 Q. Eva Anderson later married Glenn Dubin and became Eva
11 Dubin; right?

12 A. Yes.

13 Q. Are you aware that Glenn Dubin is a billionaire hedge fund
14 manager?

15 A. Yes.

16 Q. And he was one of Epstein's clients; right?

17 A. I'm not sure about that.

18 Q. Okay. Just to round it out, Russ Kippus (ph.), he was
19 another pilot; right?

20 A. Yes.

21 Q. He would sometimes fill in when one of the other pilots
22 couldn't do it?

23 A. Yes.

24 Q. Now, again, we'll look back at the name, which is Jane's
25 true first name; correct?

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Rodgers - cross

1 A. Yes.

2 Q. Just to be clear, that's just her first name, not her last
3 name; right?

4 A. Correct.

5 Q. So, bottom line is, you don't know, sitting here today,
6 whether Jane was actually on that flight; right?

7 A. I've only flown two persons with that name, and the second
8 person I saw a picture of I met in September of 2003. So it
9 couldn't have been her.

10 Q. All right. But there were potentially lots of people in
11 Epstein's world who had that same first name that you never
12 met; correct?

13 A. Well, there could be.

14 Q. You could have been given the name of Jane's true first
15 name as a passenger and never met that person; correct?

16 A. Say that again.

17 Q. Well, when you're filling out the manifest, you could have
18 been given the names of some of the passengers; right?

19 A. Yes.

20 Q. And you may have been given that first name, that's Jane's
21 true first name; correct?

22 A. Yes.

23 Q. And you might not have met the person on the flight who was
24 actually going by Jane's true first name; correct?

25 A. Possibly.

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Rodgers - cross

1 Q. So it's possible that there are other people who go by that
2 same first name who you never met who could have flown on
3 Epstein's plane; correct?

4 A. Yes.

5 Q. So sitting here today, we can't say that the one you know
6 of as Jane was actually on this flight; right?

7 A. Just have the first name. That's it.

8 Q. So now, let's go to page 48. I'm going to look at the
9 flight that's on May 9th, which is flight 979. Do you see that
10 flight?

11 A. Yes.

12 Q. That's a flight from Teterboro to Santa Fe, you said;
13 right?

14 A. Correct.

15 Q. And the passengers there are JE, GM, and Jane's true first
16 name?

17 A. Yes.

18 Q. So we should say JE is Jeffrey Epstein; correct?

19 A. Yes.

20 Q. GM, you said, was Ghislaine Maxwell; right?

21 A. Correct.

22 Q. And this flight only lists Jane's true first name, not her
23 last name; right?

24 A. Correct.

25 Q. Let's go to page 55. Let's look at the flight that is the

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Rodgers - cross

1 flight on May 3rd, 1998. It's down at the bottom of the page,
2 flight 1105. Do you see that?

3 A. Yes.

4 Q. That is a flight from Palm Beach to Teterboro; right?

5 A. Correct.

6 Q. And the passengers that are listed there are JE, GM, ET,
7 then Jane's true first name, then Glenn, Eva, Selena, Jordan,
8 nanny, Gwendolyn, and Beck; is that right?

9 A. Correct.

10 Q. So we know who JE and GM are; right?

11 A. Yes.

12 Q. ET is Emmy Taylor, that was Ghislaine's assistant?

13 A. Yes.

14 Q. Skipping over the name that's Jane's name, Glenn and Eva
15 are Glenn and Eva Dubin; is that right?

16 A. Correct.

17 Q. Selena and Jordan are their children; isn't that right?

18 A. Yes.

19 Q. Do you know who Gwendolyn Beck is?

20 A. Yes.

21 Q. Who is she?

22 A. She was a friend of Jeffrey's.

23 Q. Now, going back to the name we skipped, Jane's true first
24 name, again, that is just her first name, not her last name;
25 right?

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Rodgers - cross

1 A. Correct.

2 Q. So those three flights we just looked at are the only
3 flights in the 1990s where a passenger with Jane's true first
4 name is listed on your flight log; isn't that correct?

5 A. Correct.

6 Q. And we'll look at one last flight, which is at page 81.
7 We'll look at the flight number 1480 on March 31st of 2001. Do
8 you see that flight?

9 A. Yes.

10 Q. That is a flight from Santa Fe to Palm Beach; yes?

11 A. Correct.

12 Q. And the passengers listed there are JE, GM, AP, Virginia
13 Roberts, and then Jane's true first and last name this time;
14 correct?

15 A. Yes.

16 Q. And then Henry Drecky (ph.) and Marvin Minsky; correct?

17 A. Yes.

18 Q. We won't go over JE and GM. AP is Adam Perry Lang; isn't
19 that right?

20 A. Yes.

21 Q. He was one of Epstein's chefs?

22 A. Correct.

23 Q. He was a chef at the time?

24 A. Yes.

25 Q. And Virginia Roberts, we discussed, is someone you recall

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Rodgers - cross

1 flying on the flights; right?

2 A. Yes.

3 Q. Your recollection is, at the time, she was at least 18 or
4 19 when she was flying; right?

5 A. Yes.

6 Q. And you're not sure what her role was with Epstein; isn't
7 that right?

8 A. Correct.

9 Q. Do you know who Henry Drecky and Marvin Minsky are?

10 A. I know they were friends of Jeffrey.

11 Q. You're aware Henry Drecky taught at Yale Medical School?

12 A. No.

13 Q. You're aware that Marvin Minsky taught at MIT?

14 A. No.

15 Q. Well, jumping back to the name that's Jane's true first
16 name -- I'm sorry. One other thing I want to say about AP.

17 There was somebody else who had the initials AP that
18 was in Jeffrey's world; isn't that right? Was there a
19 decorator named Alberto Pinto?

20 A. Yes.

21 Q. So he also could go by the initials -- or the initials AP
22 on your logs; right?

23 A. Yes.

24 Q. And one other question about Emmy Taylor, who you saw as
25 ET, she was from England; isn't that right?

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Rodgers - cross

1 A. Yes.

2 Q. So she had a British accent; isn't that right?

3 A. Yes.

4 Q. Now, looking at that entry at the name of Jane's true first
5 and last name, that is the only time in your flight logs where
6 Jane's true first and last name appears on your flight logs;
7 isn't that right?

8 A. That's correct.

9 Q. But you don't specifically recall this flight; right?

10 A. No.

11 Q. It's just what we see on the flight log; right?

12 A. Correct.

13 Q. A few other questions about Jane. There are no flights
14 that you're aware of on your flight log where anyone with
15 Jane's full name or just her first name and Mark Epstein are on
16 the flights together; right?

17 A. Say that again.

18 Q. Well, we looked at the four flights where we think either
19 Jane's first name appears or her first and last name appear;
20 right?

21 A. Okay.

22 Q. In the 1990s, there were four of them; correct?

23 A. Yes.

24 Q. And none of those flights had Mark Epstein, Jeffrey
25 Epstein's brother, on the flights; correct?

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Rodgers - cross

1 A. I don't know.

2 Q. Well, we just looked at the passenger list for those four
3 flights and we didn't see Mark Epstein's names on those
4 flights; correct?

5 A. Correct.

6 Q. You're not aware of any other flight where someone with
7 Jane's first name or first and last name ever flew with Mark
8 Epstein; right?

9 A. Correct.

10 Q. And there are no flights with Jane in 1994, for example?

11 A. Correct.

12 Q. The first one we saw was '96?

13 A. Correct.

14 Q. And there are no flights with Jane in '95 either?

15 A. Correct.

16 Q. Now, you mentioned that, occasionally, you write one female
17 for someone you don't know who happens to be a female
18 passenger; right?

19 A. Yes.

20 Q. But sitting here today, you can't say that any one of those
21 instances where you wrote "one female" was actually Jane flying
22 on that flight; right?

23 A. It could have been.

24 Q. Could have been, but you don't know one way or the other;
25 right?

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Rodgers - cross

1 A. It's a possibility.

2 Q. Could have been any number of people, though; correct?

3 Okay.

4 Now, you also were shown I think an instance in your
5 flight logs where the flight number jumped from flight 818 to
6 flight 821. Do you remember that?

7 A. Yes.

8 Q. And you had said, well, sometimes you weren't flying and
9 since this was your personal logbook, you wouldn't have
10 recorded the other flights that were missing; right?

11 A. That's correct.

12 Q. But we have no information then about who may have been on
13 those flights or where those flights went; right?

14 A. That's correct.

15 Q. So sitting here today, you can't say one way or the other
16 whether, for example, Jane was on any of those missing flights;
17 right?

18 A. I cannot.

19 Q. There is just no information one way or the other; correct?

20 A. Correct.

21 Q. Let's look at just a few different flights. I want to talk
22 to you just a little bit about the Interlochen flights. Okay?

23 A. Okay.

24 Q. Let's look first at the same exhibit, but let's look at
25 page 2.

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Rodgers - cross

1 A. Okay.

2 Q. And you see the flight there on August 13th, which is
3 flight 16, I believe; right?

4 A. Yes.

5 Q. That is -- sorry. We'll go back to the flight before that.
6 That's the flight 15 from Teterboro to Columbus; right?

7 A. Okay, Teterboro to Columbus, yes.

8 Q. And the passengers on that flight are Jeffrey and one PAX;
9 right?

10 A. Correct.

11 Q. So that's an unknown passenger?

12 A. Correct.

13 Q. And Columbus, Ohio is where Les Wexner lives?

14 A. Yes.

15 Q. And he's the billionaire owner of The Limited; right?

16 A. Yes.

17 Q. It's a clothing company?

18 A. Yes.

19 Q. Was he one of Jeffrey Epstein's clients?

20 A. Yes.

21 Q. And Epstein had a home in Columbus, Ohio, near Mr. Wexner,
22 didn't he?

23 A. Yes.

24 Q. So, generally, trips to Columbus, Ohio is for when
25 Mr. Epstein is visiting Mr. Wexner or to visit?

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Rodgers - cross

1 A. Yes.

2 Q. You see the next flight below that is from Columbus to TBC;
3 right?

4 A. Correct.

5 Q. And that's Traverse City, Michigan, where Interlochen is;
6 right?

7 A. Yes.

8 Q. So the passengers on that flight is Jeffrey plus 2 PAX;
9 right?

10 A. Correct.

11 Q. So there were two unidentified passengers on that flight?

12 A. Correct.

13 Q. And then you see the next two flights are from Traverse
14 City to CPS, and CPS back to Traverse City. What's going on
15 there?

16 A. So we departed -- we left Traverse City to go to Cahokia,
17 Illinois to have some work done on the airplane. If I recall,
18 I think we were either putting carpet in -- I believe it was
19 carpet. I couldn't be certain about that.

20 Q. You flew back to Traverse City; right?

21 A. Yes. So we had no passengers. In fact, it says there
22 relocate for the N number change. That's what we want for, was
23 for the N number change.

24 Q. Got it.

25 A. And you'll notice there, from there on down, we have a

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Rodgers - cross

1 different N number, registration number, on the same aircraft.

2 Q. You got a different tail number at that point?

3 A. Tail number.

4 Q. So when you got back to Traverse City, there is a flight
5 back to Teterboro on August 18th; right?

6 A. Yes.

7 Q. And the passengers there are Jeffrey plus two PAX; right?

8 A. Yes.

9 Q. Ghislaine is not listed on any of those flights; right?

10 A. No.

11 Q. Just two unnamed people, besides Mr. Epstein?

12 A. Correct.

13 Q. Let's look at one more on page 11. Let's look at the
14 flights on July 31st, which is flight number 178. Do you see
15 that one?

16 A. Yes.

17 Q. That's a flight from Teterboro to Traverse City; right?

18 A. Correct.

19 Q. And the people on those flights, the Teterboro to Traverse
20 City and the next one back, Traverse City to POU, there is a
21 number of people there. One of them is James Murphy. Do you
22 see that name?

23 A. Yes.

24 Q. He was Epstein's traveling yoga instructor, wasn't he?

25 A. Yes.

LC8Cmax7

Rodgers - cross

1 Q. And he was male; right?

2 A. He was what?

3 Q. Male.

4 A. Yes.

5 Q. Okay. Itzhak Perlman is on some of those flights?

6 A. Yes.

7 Q. He's a famous violinist; correct?

8 A. Correct.

9 Q. Let's jump to 29. And I want to look at the flights on
10 August 14th through August 20th. So we're going to start with
11 the one on that's flight 569. Do you see that?

12 A. Yes.

13 Q. So, let's pull that up. So you see the first flight is
14 from PBI to MDW; right?

15 A. Yes.

16 Q. That's Palm Beach to Chicago Midway Airport?

17 A. Correct.

18 Q. The passengers are Jeffrey Epstein and Ghislaine Maxwell?

19 A. Correct.

20 Q. The next flight on the same day is from Midway, Chicago to
21 Columbus, Ohio?

22 A. Yes.

23 Q. That is also Epstein and Maxwell; right?

24 A. Correct.

25 Q. Then two days later, there is a flight from Columbus back

LC8Cmax7

Rodgers - cross

1 to Midway; right?

2 A. Yes.

3 Q. And that is Jeffrey Epstein and Sophie Biddle, who we spoke
4 about before?

5 A. Correct.

6 Q. And then the same day, there is a flight from Midway to
7 ASE, that's Aspen Airport; right?

8 A. Correct.

9 Q. And that is Jeffrey Epstein, Sophie Biddle, and someone
10 named Frances Jardine (ph.); right?

11 A. Correct.

12 Q. Do you remember who Frances Jardine was?

13 A. I do not.

14 Q. Do you remember her as a girlfriend of Epstein's?

15 A. I don't.

16 Q. Safe to say that Ghislaine is not on that flight; correct?

17 A. Correct, she's not.

18 Q. So two days after that on the 18th, the flight goes back
19 from Aspen to Traverse City?

20 A. Yes.

21 Q. That is Epstein, Biddle, and Jardine?

22 A. Correct.

23 Q. Aspen is where Wexner has a house?

24 A. It is.

25 Q. Would Epstein use that house from time to time?

LC8Cmax7

Rodgers - cross

1 A. I know he would visit it. I don't know if he would use it.

2 Q. And he would bring guests occasionally with him?

3 A. Yes.

4 Q. So on the flight on the 18th going from Aspen to Traverse
5 City, Maxwell is not on that flight?

6 A. Correct.

7 Q. And Traverse City is where Interlochen is; correct?

8 A. Yes.

9 Q. Then on the 20th, there is a flight from Traverse City to
10 Teterboro in New Jersey; right?

11 A. Yes.

12 Q. That's two days later after the flight from Aspen to
13 Traverse City?

14 A. Yes.

15 Q. And on that flight on the 20th, the passengers are Jeffrey
16 Epstein, Ghislaine Maxwell, and someone named Dawn DeVitto;
17 right?

18 A. Yes.

19 Q. Frances Jardine is not on that flight; right?

20 A. Correct.

21 Q. And that is the first flight that we see Ghislaine Maxwell
22 appear after she dropped off on the flight on the 14th of
23 August; correct?

24 A. Yes.

25 Q. And just to round it out, dawn DeVitto, that's another

LC8Cmax7

Rodgers - cross

1 traveling masseuse; correct?

2 A. I don't think she was a masseuse. I believe -- I thought
3 she was yoga.

4 Q. I'm sorry. She was a yoga instructor; right?

5 A. I think so.

6 Q. She was in her late 20s, early 30s, as well?

7 A. Oh, yes.

8 Q. And she was a professional?

9 A. Correct.

10 Q. Some questions about the flights to Palm Beach. I'm not
11 going to ask you, I think, about particular ones, but you were
12 based in Palm Beach; right?

13 A. Yes.

14 Q. That was your home?

15 A. Yes. Well, I moved -- not the whole time. I moved there
16 in 1994.

17 Q. As part of your employment, you moved there; right?

18 A. Well, no. When I first met Jeffrey, I lived in Columbus or
19 near Columbus, Ohio, and I lived there for a couple of years,
20 and then I moved to Manhattan for a year, and then I moved to
21 West Palm Beach in 1994.

22 Q. Well, safe to say that Epstein was not based in Palm Beach;
23 correct? I mean, he had a residence in New York; is that
24 right?

25 A. Yes, he had a residence in both places.

LC8Cmax7

Rodgers - cross

1 Q. But the Palm Beach residence was mainly for weekend travel
2 and that sort of thing?

3 A. We primarily went there on the weekend.

4 Q. So you took a lot of flights to Teterboro to Palm Beach and
5 back again; right?

6 A. Yes.

7 Q. Typically, if you're going to do weekend travel, you're
8 leaving on a Thursday or Friday and you come back on, say, a
9 Sunday; right?

10 A. Yes.

11 Q. And Ghislaine Maxwell wasn't always with Mr. Epstein when
12 you went to Palm Beach; isn't that right?

13 A. Correct.

14 Q. Let's take a look at one flight. If we can pull back up
15 Government Exhibit 662R at page 92. I want you to take a look
16 at the flight on May 4th, 2002. That is down at the bottom,
17 flight 92. Do you see that?

18 A. What's the flight number?

19 Q. Flight 92.

20 A. Yes, I see that.

21 Q. That is a flight from JFK to Palm Beach?

22 A. Correct.

23 Q. The passengers on that flight were Jeffrey Epstein and a
24 woman named Shelly Lewis?

25 A. Correct.

LC8Cmax7

Rodgers - cross

1 Q. Shelly Lewis was someone Epstein was romantically involved
2 with in 2002; is that right?

3 A. Yes.

4 Q. And she had a British accent, didn't she?

5 A. Yes.

6 Q. In fact, Epstein flew around with a lot of women who had
7 foreign accents, didn't he?

8 A. Yes.

9 Q. All right. Now, one quick question, you mentioned on your
10 direct that Ghislaine had a share, I think, in a charter plane
11 that she could use; is that right?

12 A. Yes.

13 Q. That's like sharing a plane, you can't use it anytime you
14 want; right?

15 A. You have to request it. It's not there at your beckon
16 call.

17 Q. Because other people use that same plane; right?

18 A. Yes.

19 Q. But isn't it true that Ghislaine only had that share in the
20 1990s; right?

21 A. I'm not sure how many years she had it. She didn't have it
22 forever, that's for sure.

23 Q. So, for example, in the 2000s, if she wanted to fly not on
24 Jeffrey Epstein's plane, she'd have to fly commercial, not on
25 that share of a jet?

LC8Cmax7

Rodgers - cross

1 A. I'm not sure when that terminated.

2 Q. Let me ask you about a few other people we mentioned. We
3 talked about Sophie Biddle. I won't ask you about her again.
4 We did talk about Eva Dubin, remember?

5 A. Yes.

6 Q. She was married to Glenn Dubin; right?

7 A. Yes.

8 Q. Saw her on a few of the flights?

9 A. Yes.

10 Q. You recall we saw one flight where her children were with
11 her; right?

12 A. Yes.

13 Q. There was Selena and Jordan; isn't that right?

14 A. Correct.

15 Q. Now, do you know that Epstein was Selena Dubin's godfather,
16 wasn't he?

17 A. I believe so.

18 Q. Now, I want to show you a photo that's been admitted under
19 seal as Government Exhibit 250, with the Court's permission.

20 THE COURT: Show the witness GX --

21 MR. EVERDELL: The witness, the Court, and the deputy.

22 MS. COMEY: Your Honor, can I have a moment to check
23 and see if that's in evidence.

24 (Pause)

25 Thank you, your Honor. No objection.

LC8Cmax7

Rodgers - cross

1 THE COURT: The witness may look at GX250.

2 THE WITNESS: Where is 250?

3 THE COURT: It's on your screen.

4 MR. EVERDELL: It should be on your screen, sir.

5 THE WITNESS: Oh, okay.

6 MR. EVERDELL: Do you see that?

7 THE WITNESS: Yes.

8 BY MR. EVERDELL:

9 Q. Have you ever seen that photo before?

10 A. No, I have not.

11 MR. EVERDELL: One moment, your Honor.

12 Q. Mr. Rodgers, I want to show you what is in your binder as

13 C10. There should be a tab, C10.

14 A. Is this your binder?

15 Q. The binder I gave to you, yeah. Is there a tab, C10,
16 there?

17 A. Yes, I have C10.

18 MR. EVERDELL: We can put it on the screen for the
19 Court, the deputy, and the witness if he wants.

20 Q. Mr. Rodgers, have you ever seen this picture?

21 A. No.

22 Q. Do you recognize the person in that picture?

23 A. I'm not sure positively, but it could be Eva.

24 Q. Eva Dubin?

25 A. Yes.

LC8Cmax7

Rodgers - cross

1 Q. And do you notice anything in particular about Eva Dubin in
2 that photograph?

3 A. Is she pregnant?

4 Q. Does she appear pregnant to you?

5 A. Looks like it.

6 Q. Is that a fair and accurate depiction of how Eva Dubin
7 looked to you at the time that she was pregnant?

8 A. I never saw her like that.

9 Q. Oh, okay. Then I think you can put that away.

10 Let's look at Government Exhibit 662 at page 43,
11 please. 662R, I should say.

12 THE COURT: Which is in?

13 MR. EVERDELL: This is in. This is the flight logs
14 again, your Honor.

15 THE COURT: Yes.

16 Q. Do you see the flight on August 18th at the top of the page
17 from Teterboro to Palm Beach? It's the second one.

18 A. Give me a second.

19 Q. Sure.

20 A. It's page 43 and what number?

21 Q. It's page 43 and it's flight number 878.

22 A. Yes.

23 Q. That flight on August 18th of 1996?

24 A. Yes.

25 Q. And that's a flight from Teterboro to Palm Beach; right?

LC8Cmax7

Rodgers - cross

1 A. Correct.

2 Q. And the passengers on that flight are Epstein and Selena --

3 A. That's right.

4 Q. Ghislaine Maxwell is not on that flight?

5 A. Correct.

6 Q. Further down that same page, there is a flight on September
7 12th of 1996 from Teterboro to Palm Beach; right? That's
8 flight 891?

9 A. Yes.

10 Q. The passengers on that, again, are Epstein and Selena --

11 A. Yes.

12 Q. Ghislaine Maxwell is not on that flight?

13 A. No, she is not.

14 Q. Selena was somebody that Epstein was in a romantic
15 relationship with at that time?

16 A. Yes.

17 Q. And she was in her 20s or 30s at that time; right?

18 A. Yes.

19 Q. Do you recall when -- I want to ask you about Emmy Taylor
20 who we talked about before. Do you recall the first time that
21 Emmy Taylor flew on your planes?

22 A. Probably 1997.

23 Q. All right. We'll take a look at the same exhibit, 662R at
24 51, page 51. We'll look at the flight on October 17th, which
25 is right at the top from Teterboro to Palm Beach, flight 1039.

LC8Cmax7

Rodgers - cross

1 Do you see that?

2 A. Yes.

3 Q. And do you see that Emmy is listed as a passenger on that
4 flight?

5 A. Yes.

6 Q. To your knowledge, is this roughly around the first time
7 you would -- that she would have flown on Epstein's planes?

8 A. I believe so.

9 Q. Now I want to ask you about some different names. Are you
10 familiar with the name Annie Farmer?

11 A. What is it.

12 Q. Annie Farmer?

13 A. Oh, Annie Farmer, I've heard the name.

14 Q. Do you recall ever seeing Annie Farmer on any of the
15 flights?

16 A. I do not.

17 Q. And according to your flight log, there is no record of
18 anyone named Annie Farmer flying on Epstein's planes; right?

19 A. Correct.

20 Q. Now I want to show you documents that are in your binder
21 that are admitted as LV4 and LV5. They're admitted under seal.

22 MS. COMEY: No objection.

23 THE COURT: Okay.

24 MR. EVERDELL: With the Court's permission, I'll have
25 the members of the jury pull it up in their folders.

LC8Cmax7

Rodgers - cross

1 THE COURT: Ms. Comey.

2 MS. COMEY: No objection.

3 THE COURT: So in the folder, members of the jury, you
4 may take out and look at LV4 and LV5.

5 THE WITNESS: I don't have anything under LV5.

6 Q. Sorry, sir, did you --

7 A. LV5 is empty. There is nothing here.

8 Q. Do you have -- well, let me give you mine.

9 MR. EVERDELL: May I approach, your Honor?

10 THE COURT: You may.

11 Q. Mr. Rodgers, I want you to take a look at those documents,
12 LV4 and LV5, which are admitted under seal. If the jurors have
13 those, as well. Each one of those documents has a name on it;
14 correct? Just yes or no.

15 A. Yes.

16 Q. I don't want you to tell me the names on those documents.
17 But for LV4, do you see that name?

18 A. Yes.

19 Q. I'm going to refer to that person as Kate; okay?

20 A. Okay.

21 Q. Do you see Kate's true first name on the paper I gave you,
22 LV4; correct?

23 A. Correct.

24 Q. Do you recall meeting anyone with Kate's true name on any
25 flights?

LC8Cmax7

Rodgers - cross

1 A. I don't recall. I'd have to check the logbook.

2 Q. Well, sitting here today, to your knowledge, there isn't
3 anyone in your flight log with Kate's true first name
4 reflecting that she flew on one of Epstein's planes?

5 A. Not that I'm aware of, but I'd have to check my flight logs
6 to see.

7 Q. Understood. I'll go with what you recall at this point.
8 If you could look at LV5.

9 A. Yes.

10 Q. Also has a name on it; right?

11 A. Yes.

12 Q. I'm going to use that person's first name and refer to her
13 as Carolyn; okay?

14 A. Okay.

15 Q. Do you see Carolyn's full name on the paper in front of
16 you?

17 A. Yes.

18 Q. Do you recall meeting anyone or seeing anyone with
19 Carolyn's full name on any flights?

20 A. I do not.

21 Q. To your knowledge, there is no record of anybody with that
22 name flying on any of Epstein's planes?

23 A. Not that I'm aware, but I'd have to check my logbook to see
24 for sure.

25 Q. Understood.

LC8Cmax7

Rodgers - cross

1 THE COURT: Put those away?

2 MR. EVERDELL: Yes, put those away, please.

3 THE COURT: Thank you.

4 MR. EVERDELL: Shall I continue, your Honor?

5 THE COURT: As opposed to what?

6 MR. EVERDELL: Good question. I thought it was later
7 than it actually was.

8 THE COURT: Just feels like it. You can keep going.

9 MR. EVERDELL: That hurt, your Honor.

10 THE COURT: No, just the time of the day.

11 MR. EVERDELL: I understand.

12 BY MR. EVERDELL:

13 Q. Let's move on, Mr. Rodgers. Let me ask about where you --
14 some of the residences. You said that Epstein's residence in
15 Palm Beach -- well, I don't think you said this. It was
16 located at 358 El Brillo Way; isn't that right?

17 A. That's correct.

18 Q. Do you remember a time when the El Brillo Way residence was
19 being renovated and Epstein had to temporarily move to a rental
20 residence in Palm Beach?

21 A. Yes, I do.

22 Q. Do you recall where the rental residence was located?

23 A. It was south of where he lived at El Brillo, and it was,
24 from what I remember, right across the street from the ocean.

25 Q. And do you recall when that renovation took place?

LC8Cmax7

Rodgers - cross

1 A. I would say -- I really don't recall, but I do recall being
2 there to talk about -- I believe it was the G2B that we were
3 getting. So that would have been sometime in 1994, I think.

4 Q. Okay. So your recollection is that there was a move to a
5 rental residence sometime in 1994; correct?

6 A. I think so, yes.

7 Q. So that would not have been 358 El Brillo Way when he was
8 residing there?

9 A. No.

10 Q. It's another address in Palm Beach?

11 A. It's another address.

12 Q. Do you recall how long Mr. Epstein was living in the rental
13 address while the renovations were going on at El Brillo Way?

14 A. I don't remember, but it was certainly months. I don't
15 know if it was years, but I think it was certainly months.

16 Q. Could it have been as much as a year?

17 A. It's possible, it could have been a year.

18 Q. So if it's '94, that could have been 1994 into 1995 that he
19 was in this rental residence?

20 A. That's possible.

21 Q. Now, just to move to the residence in New Mexico, your
22 recollection was that he bought that rental residence -- I'm
23 sorry. That residence in New Mexico in I think the mid 1990s;
24 is that right?

25 A. Yes. I want to say the closing, if I remember correctly,

LC8Cmax7

Rodgers - cross

1 was in January of 1993.

2 Q. When he first bought the property, the large main house on
3 the property wasn't built yet?

4 A. Correct.

5 Q. That was under construction for several years?

6 A. Yes.

7 Q. And that wasn't even ready to be inhabited until the late
8 1990s; right?

9 A. Correct.

10 Q. And Mr. Epstein stayed in a trailer of sorts until the
11 property was ready to be lived in; right?

12 A. Yes.

13 Q. And where did you stay?

14 A. I stayed at the bunkhouse.

15 Q. That was in Ranch Central?

16 A. Ranch Central.

17 Q. That was separate from where the trailer was?

18 A. Yes.

19 Q. Let me ask you a few questions about where Mr. Epstein
20 lived and where Ghislaine lived in New York in this time
21 period.

22 A. This is 1990 --

23 Q. We'll start in the 1990s.

24 A. 1990.

25 Q. I'm going to start with Mr. Epstein.

LC8Cmax7

Rodgers - cross

1 A. All right.

2 Q. He had two different residences in New York from 1991 to
3 2005, let's call it; right?

4 A. Three that I remember.

5 Q. Did you visit all three of these?

6 A. Two I visited.

7 Q. Well, the first one you visited was on 69th Street; is that
8 right?

9 A. That's correct.

10 Q. So that's where he was living when you first had the job
11 when you first got hired in 1991; right?

12 A. I think day 1, I thought that he lived in an apartment, but
13 I could be mistaken, but it was very soon after that that he
14 was at 69th Street.

15 Q. So almost -- very shortly after you were hired by him, he
16 moved into 69th Street; right?

17 A. I think so.

18 Q. He may have lived somewhere else before that?

19 A. Yes.

20 Q. But at some point in the mid '90s, he moved to a townhouse
21 on 71st Street; right?

22 A. Yes.

23 Q. That was in 1996 that he did that; isn't that right?

24 A. That's correct.

25 Q. And that was 9 East 71st Street?

LC8Cmax7

Rodgers - cross

1 A. Correct.

2 Q. Let's talk about Ghislaine's residences in the same period.

3 You recall a few residences that you visited for her;
4 right?

5 A. Yes.

6 Q. You recall that -- you think the first one you recall her
7 living in was on 59th Street; right?

8 A. Yes.

9 Q. Now, you don't know yourself whether or not she owned that
10 residence; right?

11 A. I do not.

12 Q. You don't know whether, for example, she may have been just
13 renting a room in that residence?

14 A. I do not.

15 Q. Are you aware of the fact that she was simply renting a
16 room from a friend in that residence and didn't actually own
17 that residence?

18 A. I have no idea.

19 Q. But at some point after that, she moved to a small
20 apartment that she did own; right?

21 A. I don't know if she owned it or not.

22 Q. But she moved to the apartment on the Upper East Side;
23 right?

24 A. Yes.

25 Q. At some point after that, she moved to a different

LC8Cmax7

Rodgers - cross

1 apartment which was bigger?

2 A. Yes.

3 Q. That was on 84th Street?

4 A. Correct.

5 Q. At some point, she moves to 65th Street to a townhouse; is
6 that right?

7 A. Yes.

8 Q. So it's fair to say that all of those residences that I
9 just described where Ms. Maxwell lived were different from the
10 residences where Mr. Epstein lived; right?

11 A. Yes.

12 Q. So at all times from '91 into the 2000s, Ms. Maxwell --
13 Ghislaine retained a separate residence from Mr. Epstein?

14 A. Correct.

15 Q. Mr. Rodgers, I want to ask you about your sense of a
16 relationship between Mr. Epstein and Ghislaine. Okay?

17 A. Okay.

18 Q. You flew with them on numerous flights; right?

19 A. Yes.

20 Q. And you interacted with them on a regular basis in the '90s
21 and the 2000s; correct?

22 A. Yes.

23 Q. Now, from your perspective, Ghislaine always had an
24 employment role with Mr. Epstein; right?

25 A. Yes.

LC8Cmax7

Rodgers - cross

1 Q. And to you, she appeared to be someone who took care of his
2 properties; right?

3 A. Yes.

4 Q. She managed the various properties?

5 A. Yes.

6 Q. She managed the property managers who were on site at the
7 properties?

8 A. Correct.

9 Q. She hired staff for these residences?

10 A. Yes.

11 Q. She would oversee the repairs and renovations for these
12 residences, things like that?

13 A. Yes.

14 Q. And she was also responsible for purchases, you said;
15 right?

16 A. Yes.

17 Q. So she would purchase items for the house, like furniture
18 items, things like that?

19 A. Yes.

20 Q. She would do the same for the planes, too; right?

21 A. Yes.

22 Q. She decorated the residences and the planes?

23 A. Yes.

24 Q. This was a pretty big job; right?

25 A. Very big.

LC8Cmax7

Rodgers - cross

1 Q. And these were huge properties with lots of staff; right?

2 A. Yes.

3 Q. And there were lots of these properties?

4 A. Yes.

5 Q. And they demanded constant upkeep and supervision; right?

6 A. Correct.

7 Q. And there were numerous renovation and building projects
8 going on at any given time at this time period at these
9 properties?

10 A. Right. Yes.

11 Q. And she dealt with the pilots like yourself; right?

12 A. Yes.

13 Q. One of her responsibilities was, for example, approving
14 your expenses?

15 A. Yes.

16 Q. And she approved your vacation time?

17 A. Yes.

18 Q. So if there was a problem with the planes in any way,
19 shape, or form, she was the point of contact for that kind of
20 an issue; right?

21 A. Yes.

22 Q. And she performed those roles for Epstein throughout the
23 1990s; right?

24 A. Yes.

25 Q. Now, you characterized her as Epstein's number 2, I think

LC8Cmax7

Rodgers - cross

1 is what you said; right?

2 A. Yes.

3 Q. Well, your daily interaction with her happened to be about
4 things related to the planes; isn't that right?

5 A. Yes.

6 Q. And that was one of her responsibilities for Mr. Epstein?

7 A. Correct.

8 Q. But Mr. Epstein had lots of people helping him run his
9 affairs day-to-day; isn't that right?

10 A. Correct.

11 Q. He had an office with lots of different assistants doing
12 lots of different things for him; isn't that right?

13 A. Yes.

14 Q. But you interacted mostly with Ghislaine because she was in
15 charge of the planes; right?

16 A. Correct.

17 Q. But she wasn't, for example -- although she managed the
18 properties, she wasn't on site at the properties all the time?

19 A. No.

20 Q. There were property managers who ran the day-to-day things
21 for the properties; right?

22 A. Yes.

23 Q. She was just supervising those people?

24 A. Correct.

25 Q. Now, setting aside Ghislaine's employment relationship with

LC8Cmax7

Rodgers - cross

1 Epstein, let's focus a bit on her personal relationship with
2 Mr. Epstein; okay?

3 A. Okay.

4 Q. You met her soon after you started working for Epstein in
5 1991; right?

6 A. Yes, she was on the first --

7 Q. When you first started, I think it appeared to you that
8 they were friends?

9 A. Yes.

10 Q. At that point in the early '90s, it didn't seem to you that
11 she had a romantic relationship with Epstein in those first few
12 years; is that right?

13 A. No, I kind of feel like there was a -- well, maybe some
14 relationship building, you know, from '91, '92.

15 Q. Hard to say though?

16 A. Yeah, it's hard for me to say.

17 Q. But I guess at some point it seemed to you that they were
18 involved romantically in some way; right?

19 A. Yes.

20 Q. But it wasn't really clear to you whether they were sort of
21 boyfriend-girlfriend, that sort of relationship; right?

22 A. Well, I'm not sure exactly when that happened.

23 Q. But at some point, they did have some sort of a romantic
24 relationship? Let's characterize it that way.

25 A. Yes.

LC8Cmax7

Rodgers - cross

1 Q. Now, it never appeared to you that Ghislaine was pregnant
2 at any time; right?

3 A. No.

4 Q. You never saw any pictures of her pregnant at any of the
5 residences; right?

6 A. No.

7 Q. Now, whatever the personal relationship between them might
8 have been, at some point in the 1990s, that stopped; right?

9 A. Correct.

10 Q. From your perspective; right?

11 A. Yes.

12 Q. She still worked for Epstein; right?

13 A. Yes.

14 Q. She still took care of the residences?

15 A. Correct.

16 Q. And she was still his friend; right?

17 A. Yes.

18 Q. But it seemed to you that she no longer had a romantic
19 relationship with him; right?

20 A. Correct.

21 Q. And in the 2000s, it seemed like Ghislaine's role in his
22 life was lessening; isn't that right?

23 A. Yes.

24 Q. Epstein brought in other people to help him run his
25 day-to-day business at that point; right?

LC8Cmax7

Rodgers - cross

1 A. Correct.

2 Q. You testified that Sarah Kellen appeared around 2000 --
3 sorry. 2001; right?

4 A. Yeah, September 2001.

5 Q. And she was one of these new assistants at that time
6 period; right?

7 A. Yes.

8 Q. And you started speaking to her or Larry Visoski started
9 speaking to her?

10 A. Correct.

11 Q. There were many other assistants that appeared over the
12 years in the 2000s, weren't there?

13 A. Yes.

14 Q. And it's your recollection, wasn't it, that in 2003 or
15 2004, Ghislaine wasn't flying nearly as much with Mr. Epstein
16 anymore at that point; isn't that right?

17 A. That is correct.

18 Q. Isn't it true that by 2004 or thereabouts, Ghislaine was in
19 a committed relationship with another man?

20 A. Yes.

21 Q. You're familiar with Ted Waitt?

22 A. Yes.

23 Q. He is the cofounder of Gateway computers?

24 A. Yes.

25 Q. Ghislaine was in a relationship with Ted Waitt by 2004,

LC8Cmax7

Rodgers - cross

1 wasn't she?

2 A. Yes.

3 Q. And she was separating from Epstein?

4 A. Yes.

5 MR. EVERDELL: Just a moment, your Honor.

6 THE COURT: Okay.

7 MR. EVERDELL: I just have a few topics, your Honor.

8 Okay?

9 THE COURT: Okay.

10 Q. Mr. Rodgers, slightly different question. You, I believe,
11 received subpoenas for your flight logs as part of civil
12 litigation in the past; right?

13 A. Yes.

14 Q. And you had to turn over your flight logs to the people who
15 requested the flight logs; right?

16 A. Yes, I -- the flight logs were turned over to the FBI.

17 Q. Well, the flight logs were turned over to the FBI, but
18 weren't they also turned over to plaintiffs' lawyers as part of
19 a civil litigation?

20 MS. COMEY: Objection. Foundation.

21 THE COURT: Overruled. You may answer.

22 A. Yes, that is correct. I personally didn't, but my attorney
23 forwarded, yes.

24 Q. I see. Your attorney produced those to the other side's
25 attorneys who had requested them; right?

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Rodgers - cross

1 A. Yes.

2 Q. And these were in connection of lawsuits of people who were
3 suing Jeffrey Epstein; right?

4 MS. COMEY: Objection. Foundation.

5 THE COURT: Sustained.

6 Q. You did turn over your flight logs to these plaintiffs'
7 lawyers in connection with the civil litigation; right?

8 MS. COMEY: Objection. Misstates the testimony.

9 Q. Your attorney, on your behalf, turned over your flight logs
10 to the plaintiffs' lawyers in the civil litigation; right?

11 A. Yes, that's correct.

12 Q. And that occurred, I think, back in the late 2000s, 2009 or
13 so, 8 or 9; is that about right?

14 A. That's about right.

15 Q. So your flight logs had been given to other people, besides
16 yourself, all the way back in 2008 or 9; isn't that right?

17 A. Correct.

18 Q. And they were now in the hands of the lawyers representing
19 people who were suing Jeffrey Epstein; right?

20 MS. COMEY: Objection. Foundation.

21 THE COURT: Overruled.

22 A. Repeat the question.

23 Q. Your flight logs, after your lawyer produced them on your
24 behalf, were in the hands of plaintiffs' lawyers who were suing
25 Jeffrey Epstein?

LC8Cmax7

Rodgers - cross

1 A. Yes.

2 Q. Let me ask you a few final questions, Mr. Rodgers.

3 Did Mr. Epstein give you any gifts while you were
4 employed with him?

5 A. Like, Christmas bonuses.

6 Q. Well, let me ask you a specific question. You have
7 children, Mr. Rodgers?

8 A. Yes.

9 Q. How many children do you have?

10 A. One.

11 Q. And a son or a daughter?

12 A. Daughter.

13 Q. Did Mr. Epstein pay for your daughter's tuition?

14 A. Yes.

15 Q. Did he pay for both high school and college?

16 A. Yes.

17 Q. These were -- so it was a private high school and then
18 college, as well?

19 A. Correct.

20 Q. And this was something that he did for several of his
21 employees; isn't that right?

22 A. All of them, I think.

23 Q. And did you ever mention this to Ghislaine that Jeffrey
24 Epstein was paying for your daughter's tuition?

25 A. I don't recall. I assume she probably knew.

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Rodgers - cross

1 Q. From your perspective, she was aware of the fact that
2 Jeffrey was paying --

3 A. I think she was, yeah.

4 Q. And did you ever ask Jeffrey Epstein to pay for your
5 daughter's tuition or did he do it of his own accord?

6 A. He was very big on education and he just let us know early
7 on that he would do that.

8 Q. And so he took an interest in seeing your daughter succeed?

9 A. Yes.

10 Q. And he didn't ask anything of you in return?

11 A. Correct.

12 Q. Now, you knew Ghislaine for at least 15 years or so before
13 she was no longer with Mr. Epstein; isn't that right?

14 A. Yes.

15 Q. And you interacted with her a fair amount; right?

16 A. Yes.

17 Q. I think you said on your testimony that she had a great
18 personality; right?

19 A. She did.

20 Q. You don't have any ill will toward Ghislaine Maxwell?

21 A. No.

22 Q. And you felt comfortable around her?

23 A. Sure.

24 Q. You, as father of a daughter, felt comfortable having your
25 daughter around her, too; isn't that right?

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Rodgers - cross

1 A. Yes.

2 Q. And your daughter was how old in 1994, let's say?

3 A. 1994, she would have been 7.

4 Q. And in 2004, she would have been what, 17?

5 A. 17.

6 Q. Or thereabout. So you were comfortable having your teenage
7 daughter spend time with Ghislaine and around Ghislaine; right?

8 A. Yes.

9 Q. You never saw Ghislaine do anything or say anything that
10 would lead you to believe she was helping Mr. Epstein or anyone
11 else sexually abuse underage girls, did you?

12 A. No.

13 Q. Because if you had seen something like that, as the father
14 of a daughter, you would have done something, wouldn't you?

15 A. Yes.

16 Q. And nothing you saw or heard in the roughly 30 years you
17 worked for Epstein ever gave you even the slightest hint that
18 anything like that was going on; isn't that right?

19 A. That's correct.

20 MR. EVERDELL: One moment, your Honor.

21 THE COURT: Okay.

22 MR. EVERDELL: Nothing further.

23 THE COURT: Ms. Comey.

24 MS. COMEY: Briefly, your Honor.

25 THE COURT: Okay.

LC8Cmax7

Rodgers - redirect

1 MS. COMEY: May I inquire?

2 THE COURT: You may.

3 REDIRECT EXAMINATION

4 BY MS. COMEY:

5 Q. Good afternoon, Mr. Rodgers.

6 A. Good afternoon.

7 Q. Did you let your daughter massage Jeffrey Epstein?

8 A. No.

9 Q. Did Mr. Epstein ever give you \$18.3 million?

10 A. No.

11 Q. Do you recall being asked on cross examination about

12 Mr. Epstein's New York residence on 71st Street?

13 A. Yes.

14 Q. Do you know the exact year when Mr. Epstein acquired that
15 residence?

16 A. Not precisely. Probably 1996.

17 Q. Are you certain about that or are you estimating?

18 A. No, I'm estimating.

19 Q. Do you recall being asked questions about the Florida
20 residence of Mr. Epstein's?

21 A. Yes.

22 Q. You were asked about renovations on cross examination; is
23 that right?

24 A. Yes.

25 Q. Now, you said you recalled a particular conversation with

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Rodgers - redirect

1 Mr. Epstein during those renovations; is that right?

2 A. Yes.

3 Q. What was that conversation about?

4 A. At the time we were getting -- I believe it was the G2B and
5 it was -- we were trying to layout about what we wanted to do
6 for the interior and I recall being there at that house to talk
7 about that.

8 Q. And was that around the time you got the G2B?

9 A. Yes, that would have been -- I believe that would have
10 been -- in the year 1994 or sometime. I don't know what month.

11 Q. When did you buy the G2B?

12 A. We bought the G2B in October -- I'm sorry. February 2nd of
13 1994.

14 Q. So that was about six months or more before you traveled to
15 Traverse City, Michigan, in 1994?

16 A. Yeah, it was eight -- eight months before. I'm sorry.
17 You're right. Six months. You're right.

18 Q. And did you work at the Palm Beach house?

19 A. No.

20 Q. Who worked at the Palm Beach house that you know of in the
21 1990s?

22 A. That would have been Juan Alessi and his wife and I can't
23 think of anyone else.

24 Q. Do you recall being asked about a person we're referring to
25 as Jane on cross examination?

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Rodgers - redirect

1 A. Yes.

2 Q. And do you recall being shown defense LV3A and defense
3 LV3B, two photographs?

4 A. I recall that, but can I look at the photographs?

5 MS. COMEY: With the Judge's permission, I have no
6 problem with that.

7 THE COURT: Yes.

8 A. Oh, I think I know what it is. Yes, I recall.

9 Q. And the person in that photograph has the same first name
10 as Jane's true first name; is that right?

11 A. Correct.

12 Q. Who did you meet first, Jane or the person in those
13 photographs?

14 A. Jane.

15 (Continued on next page)

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LC8VMAX8

Rodgers - redirect

1 BY MS. COMEY:

2 Q. When did you meet the person in those photographs?

3 A. September of 2003.

4 Q. And about when do you remember meeting Jane?

5 A. November of 1996.

6 Q. And what makes you feel so confident?

7 A. Based upon my logbook.

8 Q. Do you remember ever meeting anyone else on Jeffrey
9 Epstein's planes who had that same first name other than those
10 two people?

11 A. I do not.

12 MS. COMEY: One moment, your Honor.

13 THE COURT: Okay.

14 (Counsel conferred)

15 MS. COMEY: Nothing further.

16 MR. EVERDELL: Nothing, your Honor.

17 THE COURT: All right.

18 Mr. Rodgers, you may step down. You are excused.

19 THE WITNESS: Thank you.

20 (Witness excused)

21 THE COURT: And, members of the jury, we'll break for
22 the -- I assume you don't have a six-minute witness.

23 MS. COMEY: No, your Honor.

24 THE COURT: Okay. We'll break for the evening.

25 Same schedule tomorrow. And thank you so much.

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1 Have a great evening. We'll see you tomorrow.

2 (Jury not present)

3 THE COURT: Everyone may be seated.

4 Okay. Matters to take up?

5 MS. MOE: Your Honor, we just wanted to provide the
6 Court with an update on timing. We anticipate that we may rest
7 tomorrow or, if things run long, on Friday morning.

8 THE COURT: Okay. Does the defense anticipate moving
9 to a defense case after the close of the government's case?

10 MR. EVERDELL: Your Honor, we do have witnesses. I
11 think we haven't had the chance to confer with the government
12 yet, but I think it might make sense, especially if we finish
13 on Thursday potentially, to have the charge conference on
14 Friday so we can have time to fully address it.

15 THE COURT: I'll need you to pull up the mic.

16 MR. EVERDELL: We will likely have an application at
17 the end of the government's case, as is typical for the
18 defense. And we'd want the chance to be heard on that as well.

19 THE COURT: So my thinking had been the charge
20 conference either the evening of the 16th or, if the parties
21 were interested in taking me up on Saturday the 18th. So I
22 suppose it depends if you're saying there is -- you won't be --
23 well, I would prefer, given just timing of when I'm going to be
24 able to get you the charge, to not do it Friday, unless you
25 don't have a case to put on on Friday.

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1 MR. EVERDELL: Your Honor, to be frank, we do -- the
2 government has shaved a considerable amount of its case off in
3 the last day. And we have witness issues. People are
4 traveling. We had been budgeting that we would start our case
5 the following week after the three-day break, simply because we
6 thought, given the number of witnesses that were left, that we
7 would be maybe even going into the following week before the
8 defense case started.

9 So given that they have now trimmed their case
10 significantly in the last day, we are trying to hustle
11 witnesses. It's not that easy. So our strong preference, your
12 Honor, would be that if we can start the defense case the
13 following -- I'm sorry, Thursday of the following week. So we
14 would fill up Friday with the charge conference, if the Court
15 isn't -- if we want to do it at a later time, we can also do
16 that. But we prefer not to start the defense case until --

17 THE COURT: Right. I think we've come around to the
18 request, which is given the expedition of the government's
19 case, your request is to start the defense case, whatever it
20 looks like, on Thursday when we return.

21 MR. EVERDELL: That is the request, your Honor.

22 THE COURT: And so if we can use this Friday for the
23 charging conference, we could do that or we could do the
24 charging conference on the evening of the 16th.

25 MR. EVERDELL: Yes.

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1 THE COURT: Or if you think your case will last
2 through Friday, if the parties are interested in the Saturday
3 offer.

4 MR. EVERDELL: Yes, your Honor.

5 THE COURT: Okay.

6 MS. MOE: Yes, your Honor.

7 We defer to the Court with respect to timing. And it
8 may perhaps just depend on the sequencing and timing of how
9 things pan out tomorrow or Friday morning.

10 We would just note with respect to sequencing, the
11 Court has ordered the defense to produce Rule 26.2 disclosures
12 at the conclusions -- at the conclusion of the government's
13 case. And so we would respectfully request those materials
14 again at the conclusion of our case, irrespective of the timing
15 of the beginning of the defense case.

16 THE COURT: Yes. So that will either be tomorrow or
17 Friday, it sounds like.

18 MS. MOE: Yes, your Honor.

19 MR. EVERDELL: Understood, your Honor. Understood.

20 THE COURT: All right. Okay. That's helpful.

21 I'm comfortable with the defense request in light of
22 the speed with which we've moved and my scheduling conflict,
23 to -- since that takes us through till Thursday, to let the
24 defense begin its case on Thursday, assuming the government is
25 finished, of course. And I'll think about whether this Friday

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1 for the charging conference makes sense and is feasible. And
2 in any event, I'll hear your motion at the close of the case.

3 It may mean -- so the result may be that the jury has
4 Friday in addition to Monday, Tuesday, Wednesday, if
5 everybody's comfortable with that. Yes. Okay.

6 MR. EVERDELL: Yes, your Honor.

7 THE COURT: All right. That's helpful.

8 I'll let you know. Obviously if the charging
9 conference is Friday, I'll have to get you the charge before
10 Friday, which is possible. It may not be a lot before Friday.

11 MR. EVERDELL: Your Honor, we're happy to accommodate
12 the Court's schedule on the charge. If you'd prefer to do it
13 Saturday, I just --

14 THE COURT: I don't have a preference. I just wanted
15 to make that available to the parties because it can be
16 difficult, I know, to review the charge as trial is proceeding.
17 So I'm not sure I have a preference. Go ahead.

18 MR. EVERDELL: Your Honor, we're simply trying not to
19 waste the Friday. But, to be honest, the charge is obviously
20 very important and is going to require some careful review. So
21 we'll defer to the Court on what makes the most sense. But we
22 could do it on Friday if the Court wants to take advantage of
23 the day, but I think it would probably make more sense to do it
24 at a later day and we'll make ourselves available.

25 THE COURT: Okay.

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1 Does the government have a preference?

2 MS. MOE: No, your Honor. The government defers to
3 the Court on the timing.

4 THE COURT: I think from my perspective, I would like
5 to use the jury's time on Friday, if we could. But if we
6 can't, then I suspect they won't mind the extra time off.

7 I'll let you know tomorrow if I can get you the charge
8 in time to do a charging conference on Friday. But I hear you
9 that, all things being equal, more time with the charge when
10 you're not trying the case is helpful, I presume, for both
11 sides.

12 MR. EVERDELL: Yes.

13 THE COURT: I do sometimes push for speed, you may
14 have heard. But given where we are in the schedule, I think
15 taking time to be careful and getting your full input,
16 considered input, is appropriate. Okay.

17 MR. EVERDELL: Thank you, your Honor.

18 MS. STERNHEIM: Thank you.

19 THE COURT: Am I going to get briefing on 52? Because
20 if so, I want to schedule for it.

21 MR. ROHRBACH: The parties haven't conferred, your
22 Honor; but I suspect there will be briefing tonight. The
23 government will file its brief by 8 p.m. or we can confer
24 immediately after this, right now, your Honor, and get a
25 timeline.

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1 THE COURT: I guess the question is so you presumably
2 need resolution before the close of the government's case.

3 MR. ROHRBACH: Yes, your Honor.

4 THE COURT: That could be -- it could be tomorrow, but
5 I suppose -- well, if you want resolution tomorrow, following
6 briefing by both sides, then you'll be mindful of the Court's
7 schedule.

8 MR. ROHRBACH: Yes, your Honor.

9 THE COURT: And I would need briefing completed, I
10 think, by 10 p.m. tonight.

11 Now, if I have till Friday to resolve it, if I have
12 till Friday to resolve it, then you can have till midnight, I
13 suppose. But I gather we don't know whether we'll have the
14 jury here on Friday or not.

15 MR. ROHRBACH: Since we don't know, the government
16 would prefer to brief it tonight. We could propose doing
17 simultaneous briefing at 10 p.m.

18 THE COURT: No, no, no. I don't think that makes
19 sense, because I don't know what new argument the government is
20 going to make and neither does the defense.

21 MR. ROHRBACH: That makes sense.

22 THE COURT: So I'll say 7 for the government, 10 for
23 the defense.

24 MR. PAGLIUCA: That's fine, your Honor.

25 And it may be quick on our side, since it seems to me

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1 that this horse has been beaten thoroughly during the briefing
2 already in this case.

3 THE COURT: You'll confer, obviously, if there's
4 something to confer about. But otherwise let's do that for the
5 briefing schedule and then I'll get you resolution. I don't
6 know if it will be in the morning or by the time the government
7 rests.

8 MR. ROHRBACH: Understood, your Honor.

9 THE COURT: Okay. Anything else, folks?

10 MR. EVERDELL: No, your Honor.

11 THE COURT: Okay. Thank you. Have a good night.

12 See you at 8:45.

13 (Adjourned to December 9, 2021 at 8:45 a.m.)
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